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MARCH 1, 1986

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PLAY METER

Twice a Month Publication for the Coin Operated Entertainment Industry

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The American Coin Machine Exposition gets under way March 7 in Chicago. Here's a look at what equipment to look for, as well as the seminar schedule, the list of exhibitors, a map of the exhibit floor, and a guide to Chicago restaurants.

Irish arcades dealt crushing blow 40

Legal and political problems traceable to Ireland's 30-year-old Gaming and Lotteries Act apparently will cause all of Dublin's 56 arcades to close within a year and also could mean the end for the country's other 300 arcades.

Players key to game development 44

In the months it takes a game to be developed from an idea into a piece ready for market, manufacturers take great pains to make sure it will appeal to players. Despite it all, until a game hits the streets, no one can be sure of its success.

FBI aims at counterfeits 64

In the past year the FBI has begun more actively pursuing video-game counterfeiters, who American manufacturers believe threaten the entire industry's well being. Agent Bob Fay of Atlanta discusses the FBI's involvement.

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Cover designed by Margret Vincent.

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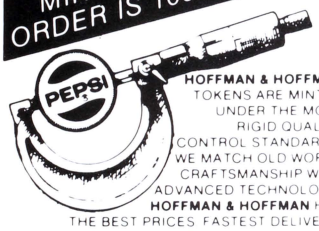

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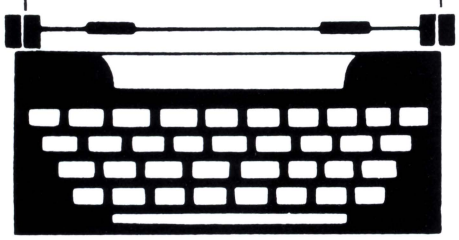
Letters to the editor . . .



Insurance help needed

About a year ago you published a letter requesting help in obtaining insurance for someone's video-game operation. A reply suggested Ohio Casualty as a potential insurer.

I own a small gameroom located in a college. Ohio Casualty does not write video-room coverage in my market, which is the San Francisco/ northern California area. I am unable to obtain liability insurance for anything less than 20 times last year's premium. Can anyone be of assistance to me in this matter?

Raymond Menzie
Tiburon, Calif.

[Editor's note: If you can help Mr. Menzie, please call him collect at (415) 383-8353.]

Canadian press impressed

I had actively sought free publicity for the game industry and my centers for the whole of 1985. It was not until early in 1986 that I was able to collar the media. First, I made my centers available for a local news feature on game playing and leisure activities. This feature, created by the Global Television Network in Toronto, brought a journalist and camera crew to Video Invasion to film a 1960s pinball that I made available (Gottlieb's *Cross Town*) and to update the story with footage of Williams' *Comet*, Atari's *Gauntlet*, and Sega's *Hang-On*.

During the AMOA in Chicago I was so impressed with the play appeal of *Gauntlet* that I worked around the clock to secure one for my chain, Video Invasion. A telephone call at 2 a.m. to the residence of Bally Midwest's Frank Cosentino during the show will attest to that determination. With his great help, one of the four *Gauntlets* that was on the show floor was in flight to Toronto the day after the AMOA ended.

I made repeated attempts to interest the media in the diversity of the game, but they all felt that the industry was yesterday's news. After two months of perseverance I was able to interest the *Globe and Mail*, Canada's most respected daily newspaper, to interview me at my main store in Toronto and let me reflect on the state of health of the industry. The journalist ran the story as part of a two-part feature, and for the second part went on to interview Frank Ballouz of Nintendo and Glenn Braswell of the AAMA.

It is indeed a happy occasion to invite the press and have them leave impressed, when it was only a few short years ago that we were considered to be the deadliest social disease!

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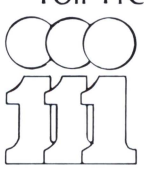

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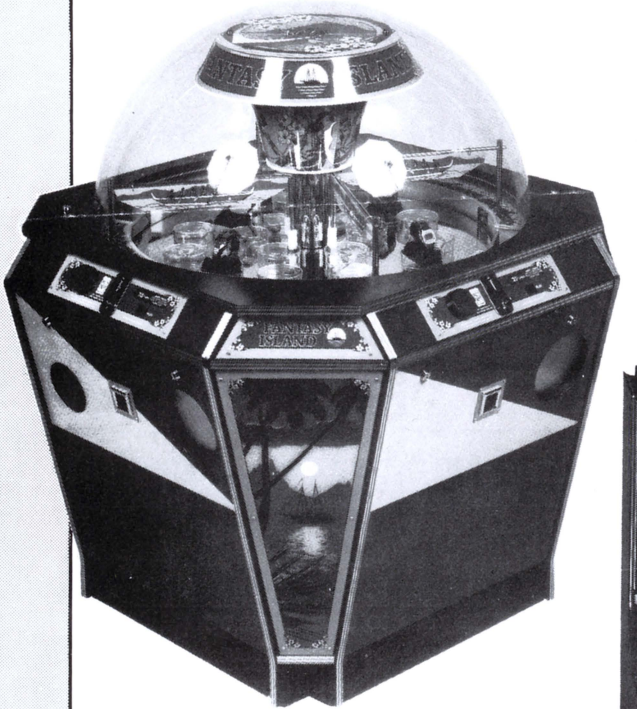

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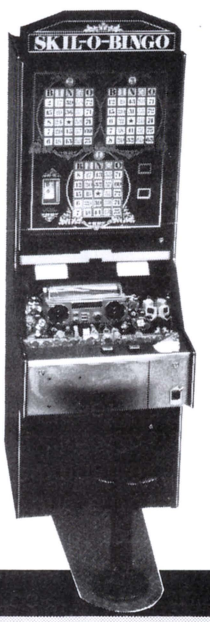

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UP FRONT

First ACME like blind date

Anyone who has had a blind date must remember the stomach full of butterflies that comes with thinking about how dreamy or dreadful the blind date might be. Nor could anyone forget agonizing over whether the date would lead to romance or dislike.

For those involved, awaiting the first ACME show has been like awaiting a blind date. We've been anticipating it with the same jittery nerves and butterflies in the stomach. All of us who worked to bring the two shows together have high expectations. There was a lot of give and take in bringing negotiations between the AOE and ASI to a favorable conclusion. The saying that you can't please all the people all the time never more aptly described a situation. Once the negotiations were final, there were complaints about the location or the date, but they did little to dampen our enthusiasm. We want ACME to be superb.

No one wins as much as the operators who take advantage of this unique combination. The exhibitor list is more than impressive—it's a who's who of those who believe this industry is worth supporting. Manufacturers are scrambling to bring their newest products to ACME. And we have put together a comprehensive lineup of seminars conducted by the most knowledgeable speakers. We've scheduled three free seminars: Standardization, RICO, and a special Industry Firing Line that features operators and manufacturers.

More than a combination of the best seminars and the most exhibitors, the ACME show also proves that the industry can pull together no matter what past differences have been. ACME is an example of industry groups banding together in a united effort. This year carries more hope for the prosperity of the industry, and ACME symbolizes that hope.

I hope those of you at the show realize that you truly are part of the industry's future. You, like the exhibitors, feel the industry is worth your time and effort. And those of you reading this at home, unable to get to the show, please plan to come next year to add the needed support to an industry that has survived the best and worst of times in only three years. It's a tough industry, and those who have survived are going to make it even tougher.

All of us who have devoted ourselves to bringing you this event, who have suffered the butterflies and anxieties, welcome you to our blind date. I think we are going to like each other.

Valerie Cognevich
Editorial Director

NEWS

IDEA files under Chapter 11

Industrial Design Electronic Associates, Inc., (IDEA), has filed for reorganization under Chapter 11 of the Federal Bankruptcy Act. IDEA took the action one week before a jury was to decide the damages IDEA would pay for infringing the patent on Arachnid, Inc.,'s electronic dart games.

IDEA was convicted of patent infringement in late 1985, and the jury was to fix damages February 10. Arachnid filed suit against IDEA in September 1982 for patent infringement, unfair competition, and misappropriation of trade secrets.

IDEA was found guilty of patent infringement, illegal use of trade secrets, and willfulness. The trial jury's verdict that the infringement was "willful and wanton," however, was overturned. U.S. District Judge Barbara Crabb ruled that the jury was improperly instructed on the law regarding willful infringement and that IDEA's "conduct was a good-faith attempt to avoid copying the only patentable elements of [Arachnid's] game following the advice of their patent counsel."

Though IDEA was found not to have been "willful and wanton," the conviction on patent infringement was not overturned.

Because of IDEA's filing under the bankruptcy code, the setting of damages in the case has been postponed. According to Paul Beall, Arachnid's president, "As soon as they filed for Chapter 11, the company is protected by the bankruptcy court. Nothing has really changed except the arena; now it's in bankruptcy court instead of federal court."

Arachnid filed in summer 1984 a similar suit against Nomac, Ltd., the exclusive distributor of IDEA before developing its own electronic dart game. That case has been delayed pending the outcome of the suit against IDEA.

Beall said that Arachnid also has filed suits against two distributors of IDEA's dart games. "No one can really understand that I am not the bad guy," Beall said. "We have spent a lot of money placing warning ads in the trade magazines warning distributors and operators that they could be liable if IDEA was found guilty of patent infringement, which has happened. Some distributors claim that IDEA said it would indemnify them, but now they have filed bankruptcy, so the distributors have no one to indemnify them."

Arachnid originally contracted with IDEA, which also is a consulting and designing firm, to work on the electronics of Arachnid's 5000-series electronic dart game. •

Bally leaves distributing

Bally Corporation has announced that as of March 31 it officially will be out of the distributing business. Besides distributing, Bally's coin-op division includes Bally's chain of Aladdin's Castles arcades, Midway Manufacturing, and Bally Sente.

Maurice Fercher, president of the coin-op division, said of the move, "There are plenty of strong independent distributors that do a great job. We don't need to be in distributing to make Aladdin's Castles, Midway, and Sente successful."

Ferchen said reaction has been favorable to the company's decision. "I think everyone understands our situation and that we are trying to do what is best."

Bally's expansion into distributing ended with the purchase of Banner Specialty offices early in 1984. Bally had 11 distributing offices at one time, having purchased such distributorships as Banner Specialty, Empire, and Advance Automatic.

Bally began its trimming of distributorships when it closed offices in Green Bay, Wis., Detroit, and St. Louis before the latest announcement. Ferchen said Bally is trying to sell its other offices, and negotiations on all offices are either in progress or completed.

Dave Gilfor and Paul Russell of Active Amusements in Philadelphia are expected to acquire Bally Banner's Philadelphia office. "We will merge into one company," Gilfor said. "Our company has not been active in vending, and it will be a tremendous thrust for us with Bally Banner's vending business. We will also expand our product line and take over Bally's existing customers."

Steve Koenigsberg of State Sales is buying Bally Banner's Baltimore office for much the same reason. "With the purchase we will take a company strong in vending and one strong in music and games and merge them into one, giving our customers the best of both."

Koenigsberg said he will retain all employees of Bally Banner Baltimore. "The real strength is both organizations have great people," he said, "and that's what is going to make this a great company."

Although the company is operating out of two facilities, Koenigsberg said he is in the process of bringing both under one roof.

American Vending of Wood Dale, Ill., is buying the Bally Midwest office in Chicago. American Vending is an established vending company that recently has expanded into music and games.

Employees of Bally Banner's Pittsburgh office bought it collectively. Ferchen said negotiations for the sale of the offices in Boston, San Francisco, and Phoenix are being conducted.

Ron Carrara, manager of Bally Advance in San Francisco, said he is negotiating with Bally for that office, "I would really like to save this office and the employees working here." •

AMOA plans government conference

The Amusement and Music Operators Association (AMOA) will hold its Government Affairs Conference in Washington, D.C., May 19-21.

The conference will include speakers discussing proposed changes in the tax code; a tour of the Library of Congress and the U.S. Copyright Office; discussions of the copyright laws, licensing issues, and the status of the Berne Convention; a VIP White House briefing, and AMOA member meetings with their representatives and senators.

In addition, the American Amusement Machine Association (AAMA) will sponsor a reception at the Longworth House Building on Wednesday, May 21. AAMA will provide a display of the latest equipment as well as antique machines. Some senators and congressmen have been invited to the reception.

There is no registration fee for members attending the conference. Registration materials, a schedule of events, and housing information are available from the AMOA. •

Taitel loses Atari line

Atari Games has given exclusive U.K. distribution rights to Deith Leisure and Joyland Distributing, with a result that Taitel Electronics will lose the Atari line.

According to the U.K.'s *Coin Slot* tabloid, Taitel sought an injunction against Atari to force the company to continue to supply games and parts until "satisfactory notice had been given" that Taitel would lose the line. Taitel alleged that Deith Leisure and Joyland Distributing offered Atari large orders for its *Gauntlet* video in exchange for removal of Taitel as an Atari distributor.

Taitel's injunction request was dismissed, but Atari agreed to continue to supply Taitel with equipment to fulfill its outstanding orders during a period of notice.

Shane Breaks, Atari's senior vice president, was quoted as saying, "I have to emphasize here that there is nothing new in companies using the legitimate business method of ordering in bulk to attempt to obtain greater exclusivity on a line. There is also nothing wrong with the practice. I must make it perfectly clear that at the end of the day I must do what I consider to be best for Atari Games and its customers." •

Digital sells Video Group

Digital Controls, Inc., has sold its Video Group to Comsell, a maker of video-disc-based real-estate sales systems. The Video Group manufactures a video-disc-based computer-applications training system called The Learning Center.

Mike Macke, Digital's president, explained the sale saying, "The unstable coin-op markets of the past few years necessitated our diversification into another field, but now we feel that the market has stabilized, and we can justify devoting all our resources to delivering product there."

The Norcross, Ga.,-based Digital has begun shipping a new "skill-stop" mechanical countertop called *Pacer Poker*. •

Article notes pay-phone problems

According to a January 27 *Wall Street Journal* article, many of the estimated 30,000 pay telephones sold to new businesses since deregulation of the pay-phone industry almost two yers ago have not been installed or already have been removed from locations. In contrast, according to the newspaper, Bell operating companies have about 1.8 million pay phones in operation.

The article blamed unsophisticated equipment for many of the industry's problems. It quoted James M. Talens, chief of the Federal Communications Commission's domestic-services branch, saying, "I do not hear of great fortunes being made by anybody. I hear of people not getting phones they ordered and paid for. I hear of maintenance problems, not to mention economics. Each phone has to turn quite a number of calls to give a profit."

A Houston businessman said he bought 100 phones that gave free calls, and the manufacturer refused to fix them. Of the 100, he said, only 28 are working. "We're losing our butts,"

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THE CALENDAR

March 21-23
Western Convention-Exhibit of Vending and Foodservice Management, Anaheim Convention, Center, Anaheim, Calif. Organized by the National Automatic Merchandising Association(NAMA). Contact Walter W. Reed at (312) 346-0370. 3,000 registrants are expected.

April 11-13
New York State Coin Machine Association Trade Show, Turf Inn, Albany, New York. Contact Gina Vichiconti or Curtiss Matterson, NYSCMA Headquarters, c/o Matterson Associates, 427 Kenwood Ave., Delmar, NY 12054, telephone (518) 439-0981.

April 26
Amusement and Music Operators of Texas (AMOT) 6th Annual Texas State Eight Ball Pool Tournament, Texas Stadium, Irving, Texas. Contact Pat Miller, (512) 454-8625. Direct all inquiries to 940 E. 51st St., Austin, TX 78751.

May 16-18
Wisconsin Amusement & Music Operators Annual Convention and Trade Show, Embassy Suites, Green Bay. Contact WAMO at (414) 529-4704.

May 29-June 1
Florida Amusement/Vending Association (FAVA) Convention Tradeshow. Hyatt Orlando, Kissimmee, Florida. Contact Norm Jensen at (904) 878-3134.

International Shows

March 28-April 3
Amusement Expo '86, Beijing, China. Contact China International Convention Service Ltd., Suite 1201-2, Energy Plaza, 92 Granville Road, Tsimshatsui East, Kowloon, Hong Kong. Telephone: 3-7217689-1. Telex: 40255 CICS HX. Cable: CHCONVENT.

April 14-23
Milan Fair, Fiera Campionaria Internazionale di Milano, Milan. Contact E.A. Fiera Milano, Largo Domodossala 1, 1 20415 Milano, Italy. Telephone 49 971. Telex 331360.

April 24-16
SADA '86, Barcelona, Spain. Contact Interalia SA, Diagonal 474, Barcelona 6, Spain. Telephone 93-218-58-50.

the man said.

The president of another company said it lost $100,000 by paying in advance for phones that never were delivered. "There's a lot of people out there giving a bad name to the industry," he said.

An optimistic side of the story was given by the president of a manufacturing company who said, "The equipment is getting better and better all the time. Over the next five years the total number of pay phones will double to four million. Non-Bell companies will own many of those, but only if they are competitive. If you can't do better and cheaper than Bell, don't try, because they'll blow you out of the box." •

Williams reports doubled revenues

Citing a "strengthened" coin-operated amusement industry and expanded hotel and casino operations, Williams Electronics, Inc., has reported revenues of $23,421,000, for the quarter ending December 31, 1985, more than double the $11,476,000 reported for the same quarter a year ago.

The quarter was the best for Willaims' amusement-game business since that ending June 30, 1983.

Net income for the quarter, the first of Williams' 1986 fiscal year, was $670,000, compared with a loss of more than $2 million in the first quarter of 1985. Amusement-game revenues, bolstered by sales of the company's *Comet* pinball, were $12,483,000, more than six times the $1,975,000 of the previous first quarter. Williams' hotel and casino business, which includes the Condado Plaza Hoteland Casino and the El San Juan Hoteland Casino, generated $10,938,000.

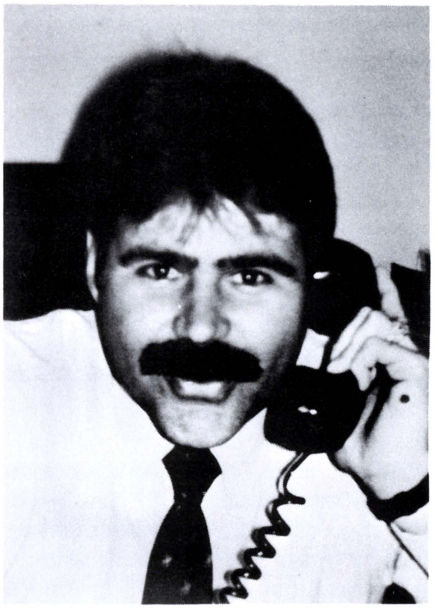
Assessing prospects for the second quarter, the company reported anticipated revenues of $13.5 million on orders for more than 7,500 *High Speed* pinballs.

Williams also reported it will begin shipping *Wiltelco 5000* pay telephones in March. It has received a $14 million initial order for 12,000 of the phones.•

Taito America moves, appoints Rochetti

Taito America has moved to new facilities and appointed Rick Rochetti sales manager.

The company's new address and telephone number are 600 South Wheeling Road, Wheeling, IL 60090, (312) 520-9280.



Rich Rochetti

Rochetti has five years of experience in coin-op distribution, most recently as sales manager for Bally Midwest. •

Northwestern Bell denies NATA charge

Northwestern Bell Technologies has denied allegations made by the North American Telecommunications Association (NATA) that the Bell division is illegally manufacturing telecommunications equipment.

NATA complained to the Department of Justice's Antitrust Division in a January 14 letter charging that Northwestern Bell has violated a section of the divestiture decree that prohibits Bell operating companies (BOCs) and their affiliates from manufacturing telecommunications equipment and customer premises equipment (CPE).

The apparent source of NATA's complaint is a Northwestern Bell-designed retrofit system that converts "dumb" pay phones into "smart" electronic pay phones.

According to Richard Karre, Northwestern Bell's general attorney, NATA claims Northwestern Bell's research and development of the system, which is produced by Hibbing Electronics, constitutes 75 percent of the system's manufacture. "We just don't believe research and development can be equated with manufacturing," Karre said. "NATA's central complaint is ill-

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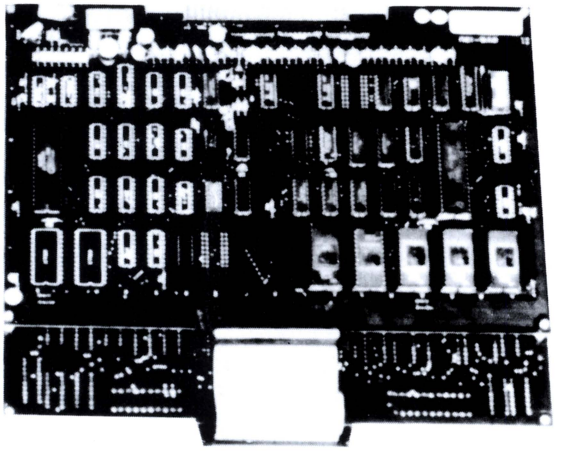

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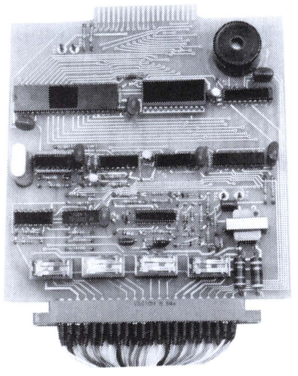

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Gurstelle added that NATA "wrongfully supposes that we are now their members' [private pay-phone makers] major competitor. A more accurate rendering ... would be to picture us as a 'parts designer' for the entire private pay-phone industry. We're committed to the idea that this industry can become a cohesive whole and get beyond its equipment problems. Those private pay-phone suppliers and installers who see us that way, using our designs for their particular applications, can look forward to greater success than they've imagined thus far." •

Greg Rice

Atari names Rice

Atari Games Corporation has named Greg Rice western regional sales representative.

Rice previously was a sales representative for the business systems division of Eastman Kodak Company. •

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AMERICAN COIN MACHINE EXPOSITION

Manufacturers plan surprise

It certainly would be worth a trip by Atari's booth to see *Gauntlet*'s successor.

Besides having a new game that is top-secret right now, Data East will show *Express Raider, Speed Buggy*, and *Ring King*.

Williams Electronics will show its recently introduced pinball, *High Speed*, which has some features never before seen on pinball games.

by Valerie Cognevich

Many manufacturers are being secretive about product they'll show at ACME. The secretiveness could indicate wonderful new product will be introduced at the show. Of course, some games will be shown that were sleepers at the AMOA show, games that may not have been hailed as AMOA hits but nevertheless have gone on to become hits.

One sleeper that comes to mind is Cinematronics' *World Series, the Season*. Since its AMOA introduction, it has become amazingly popular. Some operators have said it is outearning even *Gauntlet* in some locations. In fact, United Artists Theatres includes it on its list of top-10 earners. Cinematronics will exhibit the game again at the ACME show, so if you haven't seen it, go by the booth.

Another game whose fortunes have risen dramatically since the AMOA is Memetron's *Mat Mania*. The company's Frank Cosintino said, "I don't think we have even peaked on this game yet, and operators are still reporting continuous earnings." Memetron will show *Mat Mania* at ACME, and Cosintino hinted that the company had been testing some product and also may show something new.

Capcom, the newcomer that already has found success with hit games licensed to Data East and Romstar, will show *Section Z*, which the company is marketing itself. According to Capcom's Paul Jacobs, the game has been improved. "Though we had fair test results on the game, we realized that some of the screens were too difficult. So we have made some PROM changes, and the game is doing better."

Besides the improved *Section Z*, Capcom plans to show a new fighting-game kit the company also will be marketing itself.

In its *Gauntlet*, Atari has a tough act to follow. The company's Mary Fujihara would not say what the company would be showing at ACME, but it certainly would be worth a trip by Atari's booth to see *Gauntlet's* successor.

On the heels of moving to new facilities, Taito will come to ACME with *New York Captor, Super Dead Heat, The Legend of Kage*, its line of robots shown at AMOA, and some interesting merchandising equipment. *New York Captor* is a new two-piece arcade gun game with a bad guys-versus-player theme. Built domestically, it was previewed at AMOA, but is planned for spring delivery. The bad guys invade houses, apartments, and similar establishments. The player's goal is to shoot them before they do any damage.

Super Dead Heat is a driving game for up to four players. It employs four color monitors, one for each player. But the track covers all monitors, and the action moves from one screen to another as the play advances. It offers player-selected racing features including high-performance engines and suspension.

That may not be all—Paul Moriarity, Taito's president, talked about some new games the company has been testing and said there may be some surprises at ACME.

Data East has introduced some extraordinary games and just seems to keep them coming. Besides having a new game that is top-secret right now, it will show *Express Raider, Speed Buggy,* and *Ring King.*

Express Raider is a train-robbery-themed game offered as an upright or a kit. A character robs a train, climbs on top of it, and tries to make his way to the engine, encountering obstacles along the way. According to Data East's John Barone, the graphics are "incredible."

Speed Buggy, a three-monitor driving game, has a new, sleeker cabinet designed to adapt to more locations.

The surprise from Data East is that

the two-player version of *Ring King* is now available as a kit. The company originally introduced the two-player game as an upright and only the one-player version as a kit.

Bally Sente, which has had a string of hits with its Sente System, will show *Name That Tune* and *Stompin'*. If you haven't seen *Stompin'*, in which feet control the action, make a special effort to get by the booth—the game really is different.

Bally Manufacturing is expected to show a new Midway pinball and a new video kit.

Romstar will show its Capcom-licensed kit, *Gunsmoke*, a western-shooting-themed game that has 11 screens in which the player must battle various bandits. Romstar's *Tiger Heli* is similar to *1942* except it uses a helicopter instead of tanks. The helicopter flies over a city battling invaders.

Romstar's newest game, *Battlelane*, is available as a plug-in kit for *Ms. Pac-Man, Pac-Man, Super Pac-Man, Galaxian,* and *Centipede*. A motorcycle is used to get into the enemy's fort and destroy its secret nuclear weapon. The player must battle armed motorcycles, tanks, and other enemies while collecting five missiles for each flashing bazooka. Romstar also will show its *Ghosts 'N Goblins* kit, which it will be selling exclusively.

Having finished its run of *Ghosts 'N Goblins*, Digital Controls will show two kits, *Penguin Wars* for verticle monitors and *Lode Runner* as a standard horizontal kit.

Digital also will exhibit *Music Trivia* (a Progressive Games Distributors game) in its countercade system, but claims its *Pacer Poker* will be the feature product. Shown as a prototype at AMOA, it now is ready for shipment with new artwork and new programming.

Status Games will show its complete line of trivia games, including the new *Super Trivia*, which will be offered as a kit for its other trivia games, a cocktail model, or a countertop version. The game features 12 categories and includes bonus and lightning rounds.

Williams Electronics will show its recently introduced pinball, *High Speed*, which has some features never before seen on pinball games, according to Steve Richie, who with Larry DeMar developed the game. Technicians will love the diagnostic readouts on the alphanumeric display. The game also will reprogram itself to bypass stuck switches and let the operator know what's wrong when it is turned on. *High Speed* also features automatic percentaging—if the game is set at 30 percent replay, it will adjust itself to adapt for different kinds of players.

Destined to be a hit, the multi-ball game has a police-chase theme. Traffic lights dot the playfield, and each one attracts play. When certain targets are knocked down or when a red light is run, a police light mounted on the top of the backglass flashes and sirens scream. When the game starts, the sound of revving engines dominates, and when a flipper button is pushed, the revving sound is made.

A video tape explaining Kramer's programs will be played continuously at the company's booth, and there will be technical people available to answer questions.

Kramer will introduce its complete *Trivia Madness* line available as a sit-down, upright, countertop, or kit. The game features an array of operator settings, a five-player option, and 30 categories from which to choose. Some of the more unusual categories include Soap Operas I and II, personalties (amusing facts about anyone who has had his name in print), Star Trek, Rebel Rousers (from pick-up trucks to strong whiskey), egos (who did what to whom and with whom), Old West, and bad news (all the bad guys from Al Capone to Son of Sam).

Kramer also will show a new, smaller-size countertop cabinet that features a 13-inch monitor. It is easy to service with a drop-down front.

Profitable Games, Inc., is one of the new guys on the block. The company purchased the assets of Destron and will show some of Destron's product, including its biorhythm and astrology machines. PGI has developed and will display *AstroLotto*, a machine that dispenses a horoscope and lucky numbers.

Grand Products, the company started recently by former Bally employees Stan Jarocki, Dave Marofske, and Hank Ross, also will introduce product for the first time. The company has been secretive, but is expected to show two or three electromechanical pieces.

Started by operator Byron Cook and manufacturer John Rowe, a new company called Trade West will exhibit its first product, a kit called *Alpha Mission*, which is licensed from SNK in Japan.

Premier Technologies has had a string of pinball hits and will show its

Premier's latest pinball, Raven, *will debut at the ACME show.*

latest, *Raven*, which is described as a woman's version of the movie "Rambo." Raven was Rambo's code name in the character's first movie, "First Blood." The game features a backglass created from a photograph taken on a Florida movie set. The cabinet is a camouflage design. Play features a split-level ramp and a three-dimensional helicopter that spins and makes helicopter sounds when the spinner is hit.

Premier also will introduce a booster pack, *Rock Encore*, which is an enhancement for its *Rock* pinball. The kit comes complete with different music and sound effects and a new backglass featuring a photograph.

KitKorp will show *Gamatron*, a Pinstar multi-ball pinball-conversion game that fits in any Bally four-player electronic pinball. Half the price of a new pin, it comes complete with playfield, backglass, sound board, memory adaptor, and side graphics.

Dynamo, which began 12 years ago with a table-soccer game, expanded into pool, and has built thousands of games for Data East, will introduce at ACME its *Universal Hardware System*. Said Dynamo's Mark Struhs, "We see the trend toward kits and also foresee another trend of the hardware market drying up. So we have developed an inexpensive hardware system which includes cabinet, monitor, power supply, wiring harness, and inserts on the control panel. We will also offer a program to distributors to install kits. If a company has a hot game, a distributor can tell the manufacturer to send the boards to us and we will ship them a new game. This is aimed at the future."

Dynamo also is excited about its in-house-developed *Crazy Crane*, which has been improved since its AMOA showing. "This game will open a lot of locations that don't have the space for a large redemption game," Struhs said. "This is about the size of a video game."

Dynamo also will show a new air-hockey table. Struhs, who thinks the air-hockey market has been overlooked, said, "We wanted to build a superior table and let operators know it's a viable alternative. There are a lot of potential locations for air hockey. We weren't just sitting around wondering what else we could build; we had operators begging us to build a good table like we have done with our table soccer and pool. So we decided that we could build a superior table, and operators will be able to see it at the show."

Those who have waited to see Seeburg's *CD-660 Crusader* compact-disc jukebox will be disappointed, as it won't be shown. Explaining why, Seeburg's Bob Breither said, "We just didn't have it ready, and I believe better late and right than early and wrong." He said the jukebox will be shown at Seeburg's international distributor meeting in May.

The Valley Company will feature at ACME a new coin-operated pool table that "operators helped design." Called *Cougar ZD-1*, the table is said by the company to require minimum downtime for servicing. The coin-chute housing has been redesigned to make servicing easier, the new cabinet is ¾-inch solid-core playwood, the compression-spring counter arm has been strengthened, a durable mahogany-pattern laminate covers the sides and rails, and operators can select 50-cent to $1 plays on a new heavy-duty coin mechanism.

Konami's list of games for ACME includes *Konami GT, Jailbreak, Iron Horse, Nemesis*, and *Wizz Quiz*.

Sega's showings will include a mini *Hang-On* that uses the same program as other versions but in an 18-inch monitor. The company said it is priced less than the other versions and designed for smaller locations. Sega also will show *Space Harrier*, a dedicated game available in an upright, sit-down, and rolling cabinet (the cabinet moves with the action on the screen). It has a space-combat theme with high-resolution graphics. The player shoots through 18 stages in the game, and when it ends the player may insert another quarter to continue from where the game ended.

Other Sega games to be exhibited are *Major League* and *Shooting Master*, which features an attached gun with a realistic recoil effect and a mirror projection that adds depth to the cabinet.

Exidy will display two new games at the show, both of which will be available this spring as dedicated games or conversion kits. One is a horror-themed gun game called *Chiller*, and the other, *Spin-A-Ball*, is a ticket-dispensing video.

Operators interested in redemption equipment will want to visit the booth of Bob Snyder and Associates. Snyder was to have conducted a seminar on redemption equipment, but the seminar was cancelled.

Other exhibits will include a variety of pay telephones, trade equipment, and special services. •

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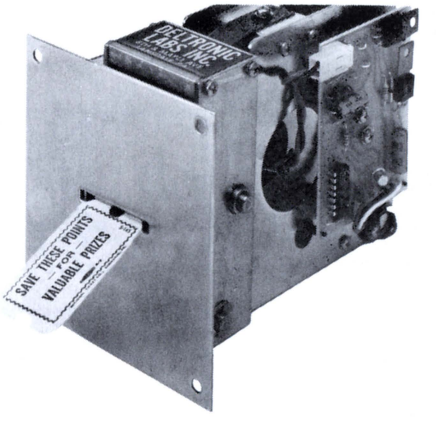

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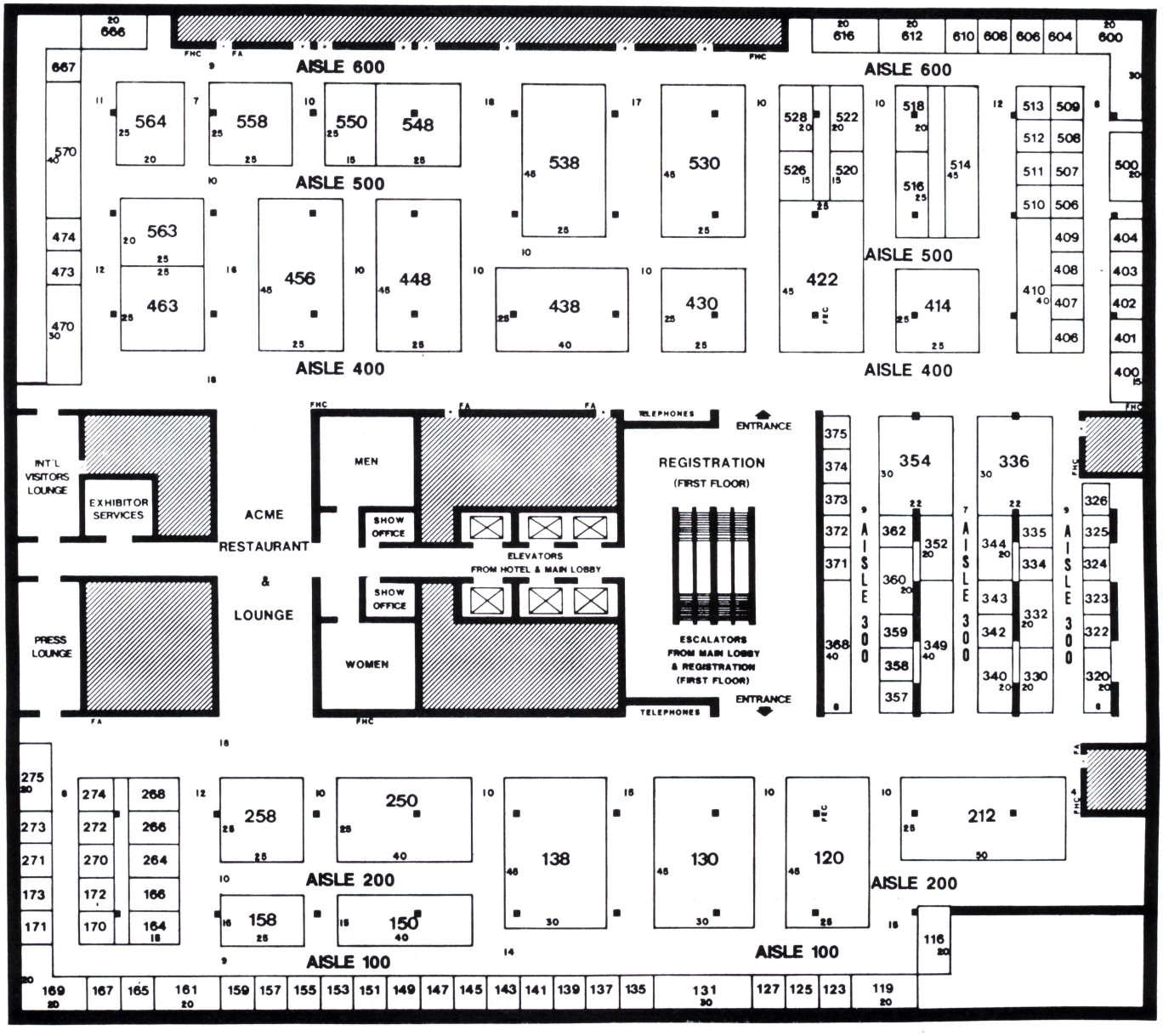

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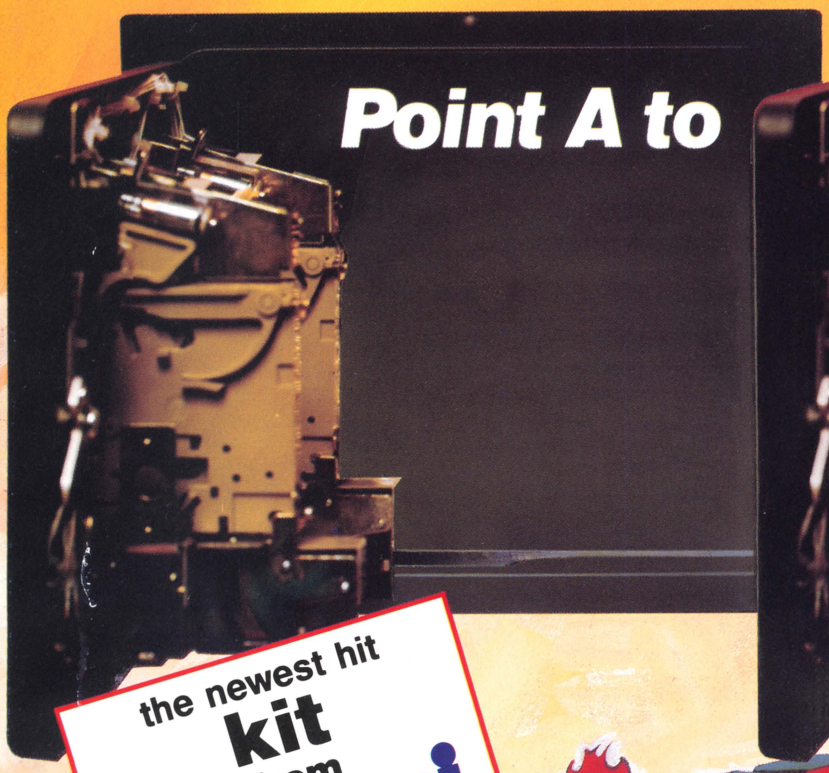

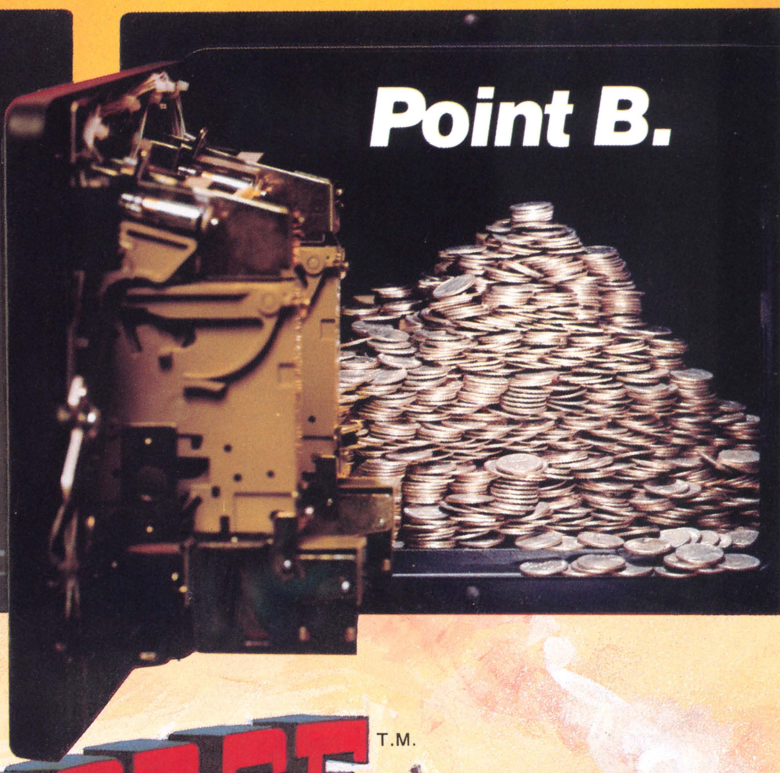

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untain Coin Machine
32 N. 37th Dr.
oenix, AZ 85009
)2) 269-7596

RKANSAS
dwin Distributing Co.
24 West 38th Street
Little Rock, AR 72118
)1) 753-1138

LIFORNIA
lly Advance
0 Forbes Boulevard
San Francisco, CA
94080
5) 871-4280

tson Pacific
5 Oyster Point Boulevard
San Francisco, CA
94080
5) 952-4220

A. Robinson Company
91 West Pico Boulevard
s Angeles, CA 90006
3) 735-3001

OLORADO
untain Coin Machine
0 W. 53rd Place, Unit B
nver, CO 80216
)3) 296-2060

uve Distributing Co.
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nver, CO 80223
)3) 778-7778

ONNECTICUT
tson Enterprises
Higgins Drive
'ford, CT 06460
)3) 878-6966

ORIDA
nroe Distributing, Inc.
50 State Rd. #84
rt Lauderdale, FL 33314
)5) 584-4908

erling Coin Machine
5 Drennen Road
'ando, FL 32806
)5) 851-8611

EORGIA
eater Southern Dist.
64 Marietta Blvd. N.W.
anta, GA 30318
)4) 352-3040

ILLINOIS
Atlas Distributing Inc.
2122 N. Western Ave.
Chicago, IL 60647
(312) 276-5005

INDIANA
Modern Vending Co.
7940 Pendelton Pike
Indianapolis, IN 46226
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IOWA
Mountain Coin Machine
751 E. Broadway
Des Moines, IA 50313
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Rowe Moss Distributing Co.
1726 Guthrie
Des Moines, IA 50316
(515) 266-5222

Moss Distributing Co.
2306 Dixon
Des Moines, IA 50316
(515) 266-7999

KANSAS
Bird Distributors, Inc.
1920 Fox Ridge Dr.
Kansas City, KS 66106
(913) 262-8440

Bird Distributors, Inc.
101 Poyntz Ave.
Manhattan, KS 66502
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United Distributors Co.
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Wichita, KS 67213
(316) 263-6181

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Louisville, KY 40228
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Metairie, LA 70003
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1825 Guilford Ave.
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1400 P. Providence Hwy.
Norwood, MA 02062
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Rowe International Inc.
888 Rear Providence Hwy.
Dedham, MA 02026
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Atlas Distributing Inc.
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32433 Schoolcraft
Livonia, MI 48150
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9549 Penn Avenue South
Minneapolis, MN 55431
(612) 887-5300

MISSOURI
Audio Visual Amusement
1901 Delmar Blvd.
St. Louis, MO 63103
(314) 421-5100

NEBRASKA
Central Distributors Co.
3814 Farnam
Omaha, NE 68131
(402) 553-5300

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Reno Games Sales
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Reno, NV 89502
(702) 786-2002

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Betson Enterprises
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Moonachie, NJ 07074
(201) 440-2200

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Springfield, NJ 07081
(201) 467-9700

NEW MEXICO
Mountain Coin Dist.
2910 C. 4th St. N.W.
Alburquerque, NM 87107
(505) 345-7706

NEW YORK
Bay Coin Dist.
132-10 Jamaica Ave.
Richmond Hill, NY 11418
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Betson Enterprises
141 Lakeville Rd.
New Hyde Park, NY 11040
(516) 354-4647

NORTH CAROLINA
Brady Distributing Co.
4308 Wilmont Road
Charlotte, NC 28208
(704) 525-8130

OHIO
Cleveland Coin International
7029 Huntley Road
Columbus, OH 43229
(614) 846-8590

Cleveland Coin International
17000 S. Waterloo Road
Cleveland, OH 44110
(216) 692-0960

Monroe Distributing, Inc.
297 Northland Ave.
Cincinnati, OH 45246
(513) 771-1909

Monroe Distributing, Inc.
2999 Payne Ave.
Cleveland, OH 44114
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Shaffer Distributing Co.
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(614) 224-6800

Shaffer Distributing Co.
7792 Capital Blvd.
Macedonia, OH 44056
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Southwest Vending Sales
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Oklahoma City, OK 73102
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Dunis Distributing Company
1140 South East 7th Ave.
Portland, OR 97214
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Active Amusement Co.
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Philadelphia, PA 19130
(215) 684-1600

Atlas Music Company
2231 5th Avenue
Pittsburgh, PA 15219
(412) 471-1704

Eastern Music Systems
500 North 12th Street
Philadelphia, PA 19123
(215) 627-1000

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Wilkes-Barre, PA 18702
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Game Sales Co., Inc.
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Nashville, TN 37203
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Pioneer Sales & Service
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Menomonee Falls, WI 53051
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Land of Oz
Bairoa Shopping
Center 2G2F
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(809) 743-5566

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Paramount, CA 90723
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Nintendo of America, Inc. **430,438**
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Redmond, WA 98052
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Nomac, Ltd. **275**
901 Armstrong Street
Algonquin, IL 60102
(312) 658-6166

PGD **474**
1985 Friendship Drive, #J
El Cajon, CA 92020
(619) 449-9010

***Play Meter* Magazine** **357**
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New Orleans, LA 70184
(504) 488-7003

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Greensboro, NC 27405
(919) 271-8727

Premier Technology **120**
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Bensenville, IL 60106
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Profitable Games, Inc. (PGI) **155**
865 West North Avenue
Chicago, IL 60622
(312) 943-1017

***RePlay* Magazine** **374**
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(818) 347-3820

Rock-Ola Mfg. Corp. **410**
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SG Industries **157**
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ACME '87—in New Orleans March 13-15

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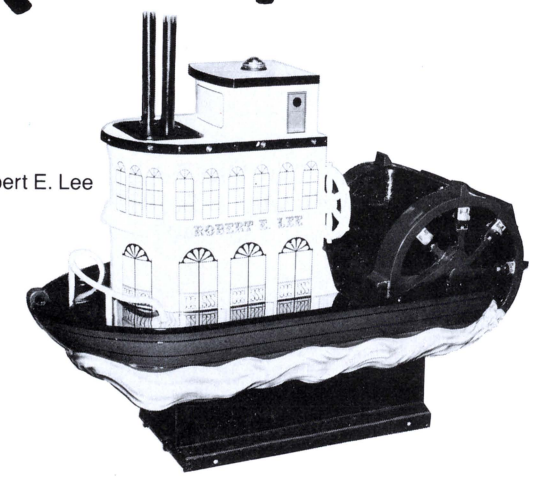

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Tehkan, Inc. **548**
18010 S. Adria Maru Lane
Carson, CA 90746
(800) 457-6050

Tornado Table Soccer, Inc. **145**
Route 3, Box 334
Fort Worth, TX 76140
(817) 483-6646

***Tourist Attractions & Parks* Magazine** **372**
401 N. Broad Street
Philadelphia, PA 19108
(215) 925-9744

UAI New Jersey, Inc. **368**
2400 Belmar Boulevard
Wall, NJ 07719
(201) 681-8900

V.O.C.A.L. **172**
1410 Northwest Johnson
Portland, OR 97207
(503) 294-0746

The Valley Company **212**
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Bay City, MI 48707
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Vending Times **373**
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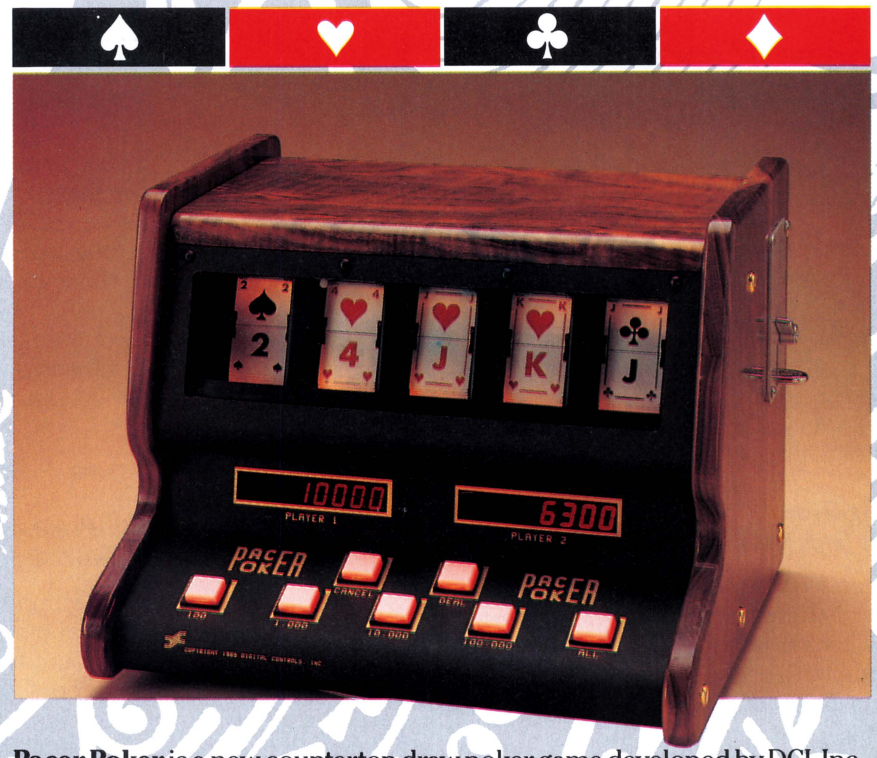
...a skill based, mechanical, pure amusement draw poker game



Pacer Poker is a new countertop draw poker game developed by DCI, Inc., the creators of **Little Casino,** the world's top selling countertop poker game.

Pacer Poker is a skill based, electro-mechanical game. Unlike video poker games that have computers determine a player's hand, **Pacer Poker** lets the player use his skill to select his own hand from five spinning reels of card decks.

Pacer Poker is compact and an attractive addition to any countertop location. And there are loads of extra game features and lighting and musical enhancements that make the game the best earning draw poker game available today.

Features:

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- *Flashing light attract mode*
- *Musical themes and electronic sounds enhance game play*
- *Lazy Susan base*

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AMERICAN COIN MACHINE EXPOSITION

ACME '86 Educational Seminars

(Holiday Inn—Mart Plaza, 14th Floor)

Friday, March 7

10:00 a.m. - 11:30 a.m.

#101—*The Private Pay Phone Market: Is It a Sound Investment?*

Since deregulation began allowing private pay phone companies to enter a market once exclusively Bell's, the market has looked [illegible] many operators. However, it may not be as lucrative as it looks. In this seminar, Mark [illegible], private pay-phone operator in Illinois, and Sandy Rosfsky, publisher of *Private Pay Phone News*, explore the private pay-phone market, answering vital questions operators should be asking.

Sunday only

#102—*Standardization (A special free session)*

Operators often wonder why the various manufacturers can't standardize certain parts of their equipment such as on/off switches, locks, and volume controls. Todd Erickson, Summit Amusements, will moderate a seminar featuring a panel of manufacturers to discuss this important issue.

#103—*Technical: Power Supplies*

The power supply is the heart of any game, and a good working knowledge of power supplies is essential. In this session Randy Fromm, former president of San Diego Arcade School, will cover the construction, operation, typical failures, and troubleshooting of this important part of any game. This session includes basic troubleshooting and maintenance.

3:00 p.m. - 4:30 p.m.

#202—*Tax and Accounting for the Operator*

In this session Jeff Rosenthal, an operator and a professional tax accountant, discusses operators' special tax requirements, tips on how to keep on top of your taxes all year, and accounting procedures tailored to operators.

#203—*Technical: The Digital Multimeter*

Successful electronic-game repair does not always require costly test equipment. The digital multimeter is an inexpensive portable unit that can be used to diagnose many common electronic failures in coin-op games. This session is geared for those who plan on repairing games but have little previous experience.

#204—*Legislation: An Intelligent Approach To Politics*

How many times have you been notified that your taxes for games, music, cigarettes, etc. are going up? Is there legislation that you would like to see passed? Do you have a fighting chance? Yes, but only if handled logically and systematically, Sharon Harris (Stan Harris Co., Philadelphia) and Pennsylvania State Representative John Perzel will explain some possible methods of "fighting City Hall" and frequently winning.

5:00 p.m. - 6:30 p.m.

#301—*Developing a Business Plan/Buying Strategies*

In the face of tough competition and an unpredictable economy, proper planning can be your strongest business ally. In this session, Rich Babich of Babich and Associates and president of Colorado Game Exchange, will analyze buying decisions, financing choices, and growth projections. You will learn how to project where your business is now and where it's heading.

#302—*Computerizing Your Business*

Most executives have pondered about whether to install a computer in their business but don't know where to begin or how to decide. Jeff Rosenthal, an operator and professional tax accountant, will discuss what to consider before making the computer decision for your business and help you avoid many common mistakes when adding a computer to your business.

#303—*Vending: Is It a Viable Extension of Your Route?*

Vending seems to be a natural extension of an existing route. However, if you have considered adding some type of vending, cigarette, bulk, or food, there are vital considerations. This seminar will help you understand vending so you can evaluate its place in your business plan.

#304—*Technical: Troubleshooting Pinball Machines*

With pinball making a comeback in the coin-op industry, many technicians versed on video repair are finding it diffiuclt to jump into pinball repair. This session

will cover all aspects of pinball repair and maintenance and common failures.

Saturday, March 8

10:00 a.m. - 11:30 a.m.

#401—*Industry Firing Line*
(A special free session)

This free open forum will include a panel of both operators and manufacturers who will answer any and all of your questions. This is a perfect chance to speak your mind about the pros and cons of the industry today. Don't miss this session where you can write your questions to be answered by operators like Tony Parina (Automatic Merchandising, California) and Stan Harris (Stan Harris Co., Philadelphia) and manufacturers including Bill Cravens (Nintendo), Joe Robbins (Kitkorp), and Joe Dillon (Williams). Sharon Harris will serve as moderator.

3:00 p.m. - 4:30 p.m.

#501—*Retirement and Estate Planning*

Though retiring may be the last thing on your mind, the fact is that now is the time to decide what you want to do with your company when you retire. If you already know it will be passed on to family, there may be loopholes that could cause serious problems in the future. Jeff Rosenthal, an operator and tax consultant, will discuss this topic at length.

#502—*Corporate Accounts and Promotions To Make Money*

With new types of locations available to operators, professionalism is a must. Making a solid proposal will get the account. Running a profitable promotion will keep the account happy while increasing your bank balance. Learn how to do both as Sharon Harris of Stan Harris Co. outlines the step-by-step process for successful presentations and promotions.

#503—*Revitalizing Equipment*

Todd Erickson, Summitt Amusement, says that some games were too good to have had such poor collections, and settings may be the key. He will explain the importance of knowing how to set your machines for maximum play. A factory setting may do well in certain areas and be a disaster in others. Todd will help operators learn when to make changes and what trends to look for in equipment earnings and play time.

#504—*Technical: Making the Most of Your Conversions*

Almost all operators are converting games. However, if the conversion doesn't look and play like a brand-new game or if it takes you too long to make the conversion, Dennis Sable of Romstar may help you understand why. He will guide operators through a conversion, explain what to look for before starting, and discuss individual games and why they are good/poor for converting. This seminar is a must for anyone interested in conversion kits.

4:30 p.m. - 6:00 p.m.

#505—*RICO, Bilateral Imports, and Copyrights*
(Previously #601, a special free session)

The Racketteer Influence and Corrupt Organization (RICO) Act, bilateral imports, and copyright laws are explained in layman's terms. These laws have an important impact on operators, and this session will help operators understand their significance.

Sunday, March 9

10:00 a.m. - 11:30 a.m.

#101—*The Private Pay Phone Market: Is It a Sound Investment?* (Repeat)

Since deregulation began allowing private pay phone companies to enter a market once exclusively Bell's, the market has looked irresistible to many operators. However, it may not be as lucrative as it looks. In this seminar, Marty Segal, a private pay-phone operator in Illinois, and Marc Ostrosfsky, publisher of *Private Pay Phone News*, explore the private pay-phone market, answering vital questions operators should be asking.

#602—*Leagues: A Must for Darts and Pool*

The new electronic dart games are sweeping the country, but operators who run them advise others not to bother if they don't plan on offering a league program. Most manufacturers are offering tournament kits. This seminar is vital if you are already operating darts or plan to start. Pool leagues, though fairly well established in some areas, will also be discussed. Also included is a segment on air-hockey leagues

#603—*Technical: Semiconductors*

The electronic circuits in today's games are based on semiconductors. A failure in a game is very likely a semiconductor, a component such as a transistor, or a diode. They are easy to understand and simple to test. All types found in games will be discussed along with their operation, testing, specifications, and working substitutes.

11:30 a.m. - 1:00 p.m.

#604—*Technical: X-Y and Raster-Scan Monitors*
(a late addition)

Even the most sophisticated video game won't earn money if the monitor fails. Fortunately, the video monitors used today are easy to troubleshoot and repair. This session will go into detail on the two types of monitors, X-Y and raster-scan. Topics to be covered will be monitor construction, operation, typical failures, troubleshooting, and repair. •

AMERICAN COIN MACHINE EXPOSITION

Restaurant and Entertainment Guide to Chicago

RESTAURANTS OF THE MAGNIFICENT MILE

This famous mile consists of Michigan Avenue from the Chicago River north to near Oak Street. Just one block over is Rush Street. Here, on Michigan and Rush are fine shops, galleries and some of Chicago's best restaurants.

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642-1111
Prime rib, broiled steaks and ribs. The popular ribs are now available on a take-out basis, $1 delivery charge, from 6 p.m. to midnight.

Allie's Bakery
Chicago Marriott Hotel
540 N. Michigan
836-0100
Family style restaurant open for breakfast, lunch, and dinner.

Arnie's
1030 N. State
266-4800
Features continental cuisine, Sunday brunch buffet, lunch, and dinner and late night supper menu.

Avenue One
The Drake Hotel
140 E. Walton
787-2200
Regional cuisine served in elegant dining room with live music.

Bastille
21 W. Superior
787-2050
Grilled meats and seafoods. Over 20 sauces available for roast duck. Serving lunch and dinner.

Benihana of Tokyo
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664-9643
Steak, shrimp, and chicken prepared before your eyes.

Bentleys
Sheraton Plaza
160 E. Huron
787-2900
Continental fare. Open for breakfast, lunch, dinner, and Sunday brunch.

Biggs
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787-0900
Victorian mansion setting serving Beef Wellington and rack of lamb. Dinner from 5 p.m. Reservations recommended.

Byfields
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1301 N. State Parkway
787-6433
Buffet supper available Monday through Friday, 5-8 p.m. Nightclub features live entertainment 5 p.m. to 1 a.m. weekdays, 5 p.m. to 2 a.m. weekends, except Sunday.

Cape Cod Room
The Drake Hotel
140 E. Walton
787-2200
Famous for fresh fish, especially Bookbinder red snapper soup. Open daily noon to midnight.

The Chelsea
The Westin Hotel
N. Michigan at Delaware
943-7200
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Chestnut Street Grill
Water Tower Place, Mezzanine
280-2720
Casual setting with working grill in center of the restaurant. Specialty: fish.

Chez Paul
Erie and Rush Streets
944-6680
The landmark McCormick mansion has become the site of this fine French restaurant.

Chicago Storage Company
Food Emporium
65 E. Wacker Drive
782-8224
Turn-of-the-century warehouse motif makes perfect cocktail hour retreat. Open seven days a week for breakfast, lunch, cocktails, and dinner.

Ciel Bleu
Mayfair Regent Hotel
181 N. Lake Shore Drive
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The Consort
The Westin Hotel
N. Michigan at Delaware
943-7200
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Coq d'Or
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787-2200
A great meeting place, open daily 9 a.m. to 1 a.m. and Sunday noon to midnight.

Cricket's
Tremont Hotel
100 E. Chestnut
280-2100
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D.B. Kaplan's
Water Tower Place, Seventh Level
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DeBrucio's Pizzeria
Water Tower Place, Fourth Level
951-6777

Beautiful Buckingham Fountain,
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337-1717
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Northern Italian cuisine, new and classic selections.

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875 N. Michigan
787-9596
Spectacular view and American and continental cuisine. Evening dancing at **Images**, one floor above.

Pronto Ristorante
200 E. Chestnut
664-6181
North Italian cuisine, chicken, veal, and pasta made fresh in the restaurant. Lunch and dinner Monday through Friday, only dinner on Saturday and Sunday.

The Pump Room
Ambassador East Hotel
1301 N. State Parkway
266-0306
Classic European, American, and nouveau cuisine. Complimentary hors d'oeuvres buffet during weekday cocktail hours, 5-7 p.m. Sunday brunch, breakfast, lunch, and dinner. Dress code, no denim permitted.

The Raphael Dining Room
Raphael Hotel
201 E. Delaware Place
943-5000
Veal, duck, lamb, and fresh fish of the day served. Breakfast, lunch, and dinner every day.

Seasons in the Penthouse
71 E. Wacker Drive, 39th Floor
346-2672
Skyline view from atop the Executive House Hotel. Open for cocktails and dinner Monday through Saturday. Reservations recommended. Dress code.

Shino
13 E. Huron Street
944-1321
Japanese fare for lunch and dinner every day except Sunday. Reservations recommended.

Szechwan House
600 N. Michigan
642-3900
Spicy Szechwan food and new Taiwan offerings. Try two-flavored lamb, governor's chicken, spicy fish or oyster soup. Open daily 11:30 a.m. to 10:30 p.m. Extensive buffet lunch and a Sunday brunch.

Tango
3170 N. Sheridan Road
935-0350
Great Lakes and ocean favorites and nightly specials. Avant-garde decor. Serving dinner seven nights a week, lunch Monday through Saturday.

Terrace Garden, Cafe
Sheraton-Plaza Hotel
160 E. Huron Street
787-2900
Located poolside on 40th floor of hotel. Lunch served Monday through Saturday 11:30 a.m. to 2:30 p.m. Sandwiches, gazpacho and cold soups, fresh vegetables and fruits.

The Waterfront
1015 N. Rush
943-7494
Casual seafood house with salad bar. Try bouillabaisse and sourdough bread or sole en sacque. Lunch, dinner, and weekend brunch. Reservations recommended.

Zaven's
260 E. Chestnut
787-8260
Continental cuisine, ethnic delicacies and American favorites. Open for lunch and dinner.

EXPO HEADQUARTERS

Hyatt Regency Chicago
151 E. Wacker

Five different restaurants are located within the Hyatt Regency, home base for this year's Expo. Each offers a flavor and atmosphere of its own, from casual to elegant.

Mrs. O'Leary's
Turn-of-the-century setting for a casual lunch and dinner. Generous salads and exceptional desserts.

Scampi
Northern Italian pastas and seafood served just off the East Tower's Atrium Lobby.

The Skyway
Continental breakfasts, salads, crepes, and pastries in sunny skyway connecting the Twin Towers.

Stetson's
Designed for steak lovers! Exhibition cooking area and a lounge on the Plaza Level of the East Tower. Open for lunch and dinner.

Truffles
A complete gourmet dining experience in a more personalized French continental style. Sample truffles croute, canard roti, or veal Orloff.

NIGHT LIFE

Luckily, most night spots are conveniently close to the downtown hotels. Big-name touring acts are often in Chicago but most Chicagoans and visitors prefer the relatively inexpensive delights of jazz showcases, comedy cabarets, folks, and blues clubs.

JAZZ

Andy's
11 E. Hubbard
642-6805

Joe Segal's Jazz Showcase
636 S. Michigan
427-4300

Rick's Cafe Americain
644 N. Lake Shore Drive
943-9200

COMEDY

Second City
1616 N. Wells
337-3992

Zanies
1548 N. Wells
337-4027

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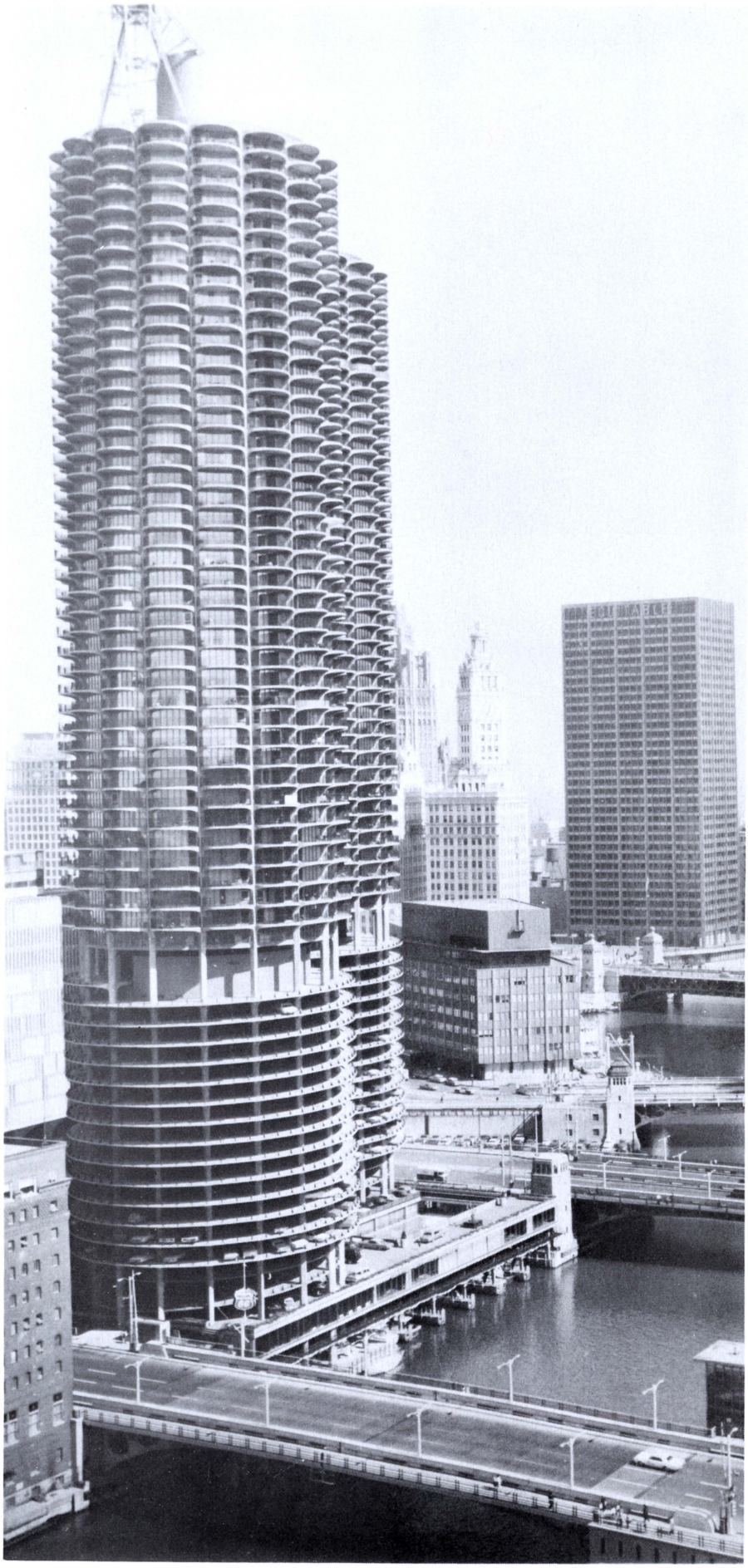

Twin Towers of Marina City are framed by one of Chicago's many bridges. These unusual apartment towers are set on the edge of the Chicago River.

FOLK

Earl of Old Town
1615 N. Wells
642-5206

Holsteins
2464 N. Lincoln
327-3331

Orphan's
2462 N. Lincoln
929-2677

BLUES

B.L.U.E.S.
2519 N. Halsted
528-1012

Wise Fools Pub
2270 N. Lincoln
929-1510

BIG NIGHT OUT

Byfield's
Ambassador East Hotel
1301 N.State Parkway
787-6433

Park West
322 W. Armitage
929-5959

PIANO BARS

Acorn on Oak
116 E. Oak
944-6835

Toulouse
49 W. Division
944-2606

Yvette
1206 N. State Parkway
280-1700

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332-2244

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Inquire between 9 a.m. and 5 p.m. Monday through Friday.

Loop Line
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Recorded information on pop and rock acts in town.

THEATRES

Apollo Theatre Center
2540 N. Lincoln
935-6100

Arie Crown
McCormick Place
E. 23rd and Lake Shore Drive
791-6000

Court
5535 S.Ellis
753-4472

Drury Lane Water Tower
175 E. Chestnut
266-0500

Goodman & Goodman Studio
200 S. Columbus
443-3800

Mill Run
Golf and Milwaukee Roads, Niles
298-2170

Organic
3319 N. Clark
327-5588

Pary Productions
Theatre Building
1225 W. Belmont
327-5252

Shubert Theatre
22 W. Monroe
977-1700

World Playhouse
410 S. Michigan
922-5101

DINNER THEATRES

Candlelight Dinner Playhouse
5620 S. Harlem, Summit
496-3000

Drury Lane Theatre
2500 W. 95th, Evergreen Park
779-4000

Marriott's Lincolnshire Theatre
Milwaukee Ave., Lincolnshire
634-0200

Facets Performance Ensemble
1517 W. Fullerton
281-9075

Steppenwolf
2851 N. Halsted
472-4141

Victory Gardens
2257 N. Lincoln
871-3000

Wisdom Bridge
1559 W. Howard
743-6442

ZOOS, PARKS & MORE

Brookfield Zoo
8400 W. 31st., Brookfield
485-2200
One of the earliest zoos in this country to adopt barless animal exhibits. Open daily 10 a.m. to 6 p.m.

Forest Preserve District
536 N. Harlem, River Forest
260-8400 (city)
Over 200 miles of hiking and riding trails, 50 miles of bicycle trails, nature centers and picnic areas.

Garfield Park Conservatory
300 N. Central Park Blvd.
533-1281
Extensive floral displays and collections of exotics are to be found here daily from 9 a.m. to 5 p.m.

Lincoln Park Conservatory
Stockton Drive at Fullerton
294-4770
Four glass buildings house the Fernery, the Tropical House, the Show House, and the Palm House. Open daily from 9 a.m. to 5 p.m.

Lincoln Park Zoo
2200 N. Cannon Drive
294-4660
Home for more than 2,000 mammals, birds, reptiles. The Children's Zoo and Zoo Nursery are popular. Zoo grounds open from 8 a.m. to 5:15 p.m. daily.

Shedd Aquarium
1200 S. Lake Shore Drive
939-2438
Over 5,000 fishes representing over 560 species are found here. Salt and fresh water exhibition tanks total 206. The Coral Reef exhibit has over 300 Caribbean fishes. Open daily with fluctuating hours, so call ahead.

MUSEUMS

Adler Planetarium
1300 S. Lake Shore Drive
322-0304
A rainbow granite structure situated at the end of a half-mile-long peninsula that juts out into Lake Michigan and gives one of the best views of the city. The Sky Show is the real highlight. Evening shows include a view to the Doane Observatory. Opens daily at 9:30 a.m. Closing hours and show times vary by season, so call ahead.

The Art Institute
Michigan at Adams Street
443-3500
Best advice is to take the Collection Highlights Tour daily at 2 p.m. as the collection is overwhelming: antiquities, impressionists, and modernists. Special exhibitions are scheduled throughout the year. Open weekdays from 10:30 a.m. to 4:30 p.m. and late on Thursday until 9 p.m.; Saturday 10 a.m. to 5 p.m. and Sunday noon to 5 p.m.

Chicago Historical Society
Clark Street at North Avenue
642-4600
Exhibits on the history of Chicago, Illinois, and America; plus ongoing films, lectures, workshops, and tours. Open daily at 9:30 a.m. except Sunday opening at noon. Closing hours vary.

DuSable Museum of
African-American History
740 E. 56th in Washington Park
947-0600
Afro-American and African paintings, sculpture and artifacts. Open 9 a.m. to 5 p.m. Monday through Friday and 1 p.m. to 5 p.m. Saturday and Sunday.

Central Hall of the Field Museum of Natural History. African elephants, Columbian totem poles and dinosaur skeletons are among the exhibits.

Field Museum of Natural History
Roosevelt Road at Lake Shore Dr.
922-9410
Find examples of art from almost every primitive culture. Open 9 a.m. to 5 p.m. daily.

Museum of Contemporary Art
237 E. Ontario
280-2660
Changing exhibitions of contemporary sculpture and paintings.

Museum of Science and Industry
57th and Lake Shore Drive
684-1414
Long popular with young people, the museum offers a circus exhibit, fairy castle and a display of early railroads, to name a few attractions. Open daily 9:30 a.m. to 4 p.m.and 5:30 p.m. on weekends.

Oriental Institute
1155 E. 58th
753-2474
A research center and museum of art and archeology of the ancient Near East. Includes Egyptian and Nubian exhibits. Open from 10 a.m. to 4 p.m. Tuesday through Saturday and noon to 4 p.m. on Sunday.

Spertus Museum of Judaica
618 S. Michigan
922-9012
Museum housing one of the world's largest private collections of Jewish artifacts, manuscripts, and religious artifacts. Open 10 a.m. to 5 p.m. Monday through Thursday.

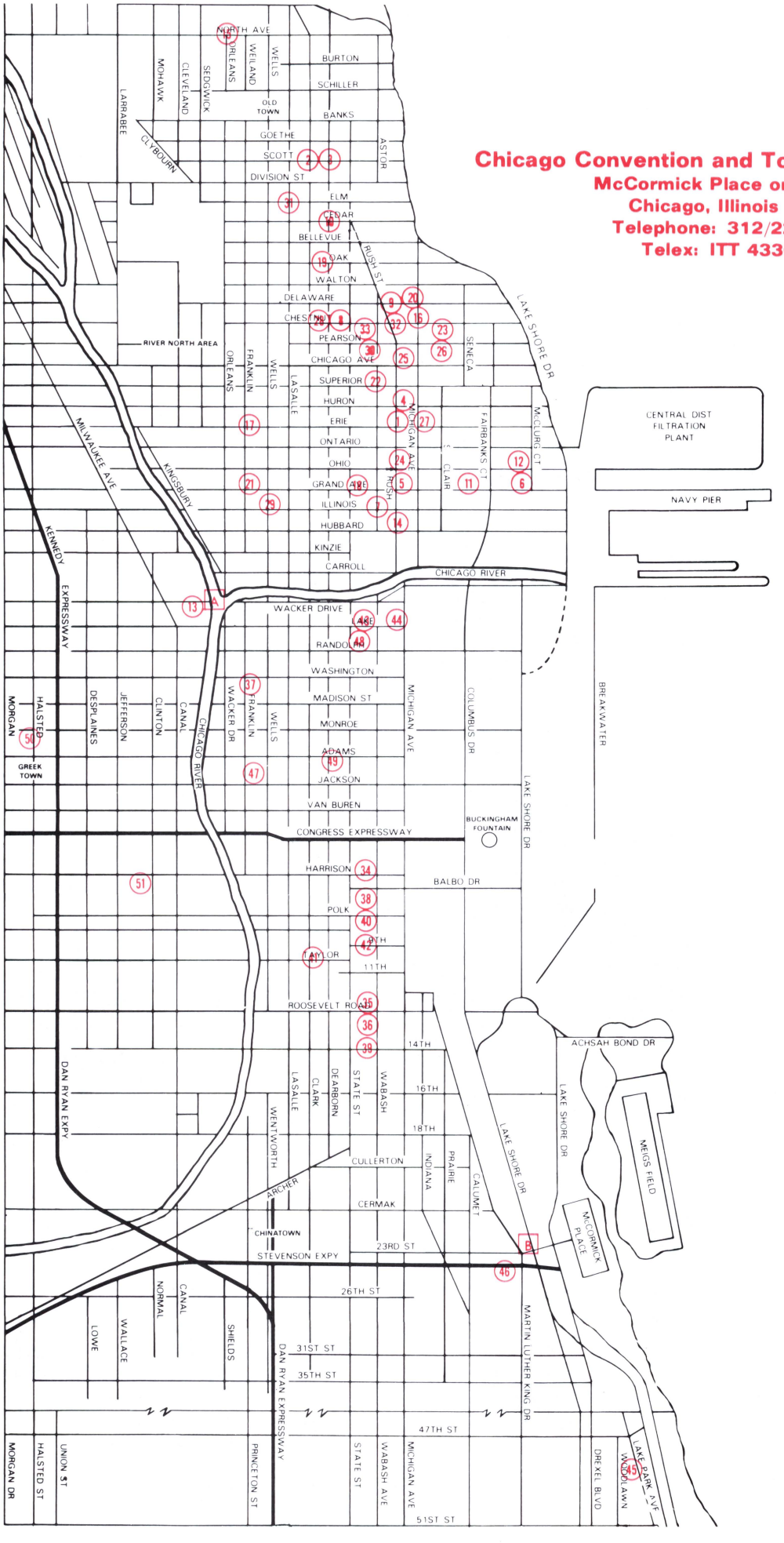
DOWNTOWN SHOPPING

Carson Pirie Scott & Company
1 S. State
View the ornate Louis Sullivan rotunda before browsing inside.

Cartier
630 N. Michigan
A newly opened branch of the famous parent store.

Chestnut Galleria
State and Chestnut
A new vertical mall, it houses everything from an Italian food and wine shop to house and cookware items.

MacArthur's of Hammacher Schlemmer
618 N. Michigan
Delightful gadgets are found in this



Chicago Convention and Tourism Bureau, Inc.

McCormick Place on the Lake
Chicago, Illinois 60616
Telephone: 312/225-5000
Telex: ITT 4330306

NORTH/NEAR NORTH

1 The Allerton Hotel
2 Ambassador East
3 Ambassador West
4 Barclay Chicago
5 Best Western Inn of Chicago
6 Chicago Lake Shore Hotel
7 Chicago Marriott
8 Delaware Towers
9 The Drake Hotel
10 The Elms
11 Holiday Inn-Chicago City Centre
12 Holiday Inn-Lake Shore Drive
13 Holiday Inn-Mart Plaza
14 Hotel Continental on the Magnificent Mile
15 Hotel Lincoln
16 Knickerbocker Hotel
17 LaSalle Motor Lodge
18 The Lenox House
19 Manilow Executive Suites
20 Mayfair Regent Hotel
21 Ohio House
22 Park Hyatt on Water Tower Square
23 Raphael Hotel
24 Richmont Hotel
25 Ritz Carlton
26 Seneca Hotel
27 Sheraton-Plaza
28 The Talbot
29 Travelodge in the Heart of Chicago
30 Tremont Hotel
31 Tuscany Hotel
32 The Westin Hotel, Chicago
33 Whitehall Hotel

A Expocenter/Chicago

DOWNTOWN

34 Americana Congress Hotel
35 Ascot House
36 Avenue Motel
37 Bismarck Hotel
38 Blackstone Hotel
39 Chicago Downtown Travelodge
40 Chicago Hilton & Towers
41 Condos Chicago
42 Essex Inn
43 Executive House
44 Hyatt Regency Chicago
45 Hyde Park Hilton
46 McCormick Center Hotel
47 Midland Hotel
48 Oxford House Motor Hotel
49 Palmer House
50 Quality Inn-Downtown
51 Rodeway Downtown

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Neiman Marcus
737 N. Michigan
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Water Tower Place
Atrium Mall
835 N. Michigan
Posh department stores, theatres and eateries, accessible by glass elevators and escalators.

POINTS OF INTEREST

Chinatown
22nd and Wentworth
225-0234
Many shops and restaurants located here. Tours available.

Glessner House
1800 S. Prairie
326-1393
One of the city's major architectural landmarks.

John Hancock Center
and Observatory
875 N. Michigan
751-3680
Stunning 360 degree view of mid-America from the observation floor. Open 9 a.m. to midnight daily.

McCormick Place on the Lake
2300 S. Lake Shore Drive
791-7000
A new and amazing exposition center with 2.5 million square feet of space and five theatres.

The Merchandise Mart
Wells, north of the river
527-4141
Tours are available in the world's largest trade center. See the Quaker Oats Test Kitchens in the Merchandise Mart Plaza.

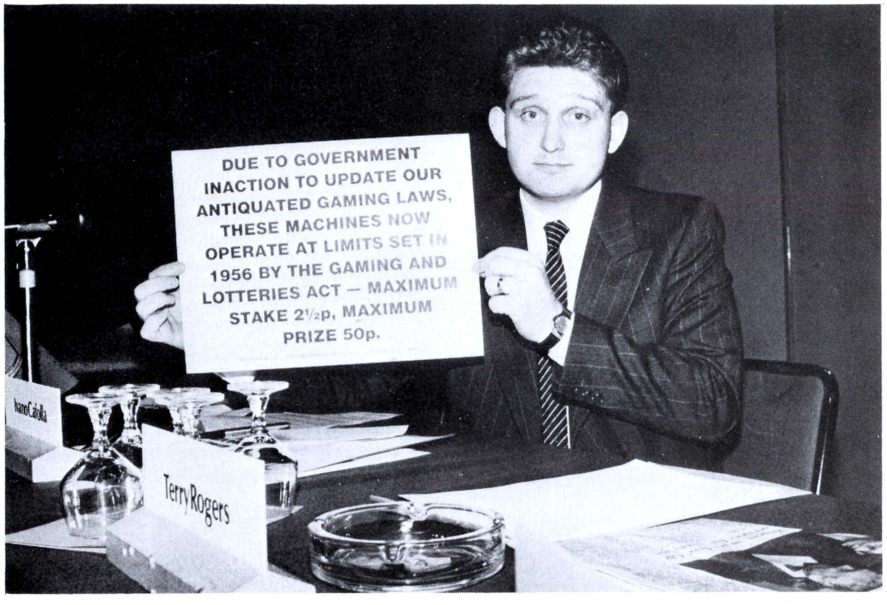
Sears Tower Skydeck
233 S. Wacker
875-9696
Enclosed skydeck on 103rd floor, 1,343 feet above ground, affords spectacular view. Open daily 9 a.m. to midnight. •

"Meet me under the clock," is a favorite Chicago expression. The Place: Marshall Field and Company on world-famous State Street.

Irish arcades dealt crushing blow

by David Snook

Raymond O'Hara, chairman of ALTAC, urges arcade owners in Dublin to campaign with their parliamentary representatives.


DUE TO GOVERNMENT INACTION TO UPDATE OUR ANTIQUATED GAMING LAWS, THESE MACHINES NOW OPERATE AT LIMITS SET IN 1956 BY THE GAMING AND LOTTERIES ACT — MAXIMUM STAKE 2½p, MAXIMUM PRIZE 50p.
Terry Rogers

Ivano Cafolla, Dublin arcade owner, nephew of the man whose test case reintroduce the 1956 stakes and prizes levels to the Irish coin-machine trade, and a leader in the ALTAC campaign, holds one of the signs Irish arcade owners display to their customers.

Fifty-six amusement arcades—every one in the city—will have to close down in the Irish capital of Dublin within the next 12 months, following a January decision of the city council.

Doomsday for Dublin's arcades could mean the end of the line for many of the other 300 arcades in the country, for Dublin's lead certainly will be followed by many other local councils. Trade leaders gloomily are predicting all-round disaster.

The closure of the arcades is made possible by the 1956 Gaming and Lotteries Act—yes, Ireland's amusement industry is governed by a 30-year-old-law—which provides that local councils had the right to issue permits for people to operate arcades in their areas. It similarly gave the councils the right to rescind that part of the act, effectively rejecting that power to issue permits. And that means the arcades have to close down when their annual permits run out.

An operator might run a respectable arcade for many years, with a massive investment building up much goodwill, but if, as is often the case, councillors come along imbued with that internationally familiar distaste for arcades, then the business can be closed down without right of appeal.

The industry in Ireland has, therefore, operated on a knife-edge for many years, looking over its shoulder for the rescinding motion at local council meetings. And last month it happened in the biggest council of them all, as far as arcades are concerned, Dublin City.

Why has it happened?

Slots, in short; or perhaps to be more fair, the government's inability to legislate proper laws to govern them, for slots can be operated happily without abuses as the United Kingdom and West Germany and, more recently, Holland have shown.

The problem with Ireland's slots comes back to that 30-year-old-law. In 1956 it was decided that slots could be operated in arcades legally, provided they did not accept more than twopence as a stake and 10 shillings as a top award. In modern-day terms that is the equivalent of two cents and a dollar, respectively, which is so

insignificant that it hardly counts as a slot machine.

That's the attitude that the industry took, too. The Amusement Caterers' Association of Ireland (ACAI) waged a long battle to have those stakes and prizes updated with the passage of time and the ravages of inflation. The response was deaf ears, probably motivated by a lobby that felt that to be seen encouraging gambling was unwise during a succession of hung-parliaments—governments with fragile majorities.

That meant that updating never happened, but the police, the Garda, seemed more concerned with other things, so with temptation placed in its way, the trade got on with operating its arcades, and if the odd 15-cent-play and $150-jackpot machine crept in here and there, well, it gives the customer a little more spice to life.

To a large extent the Garda did nothing, so the practice spread. On both sides there were flurries of activity, of course. The ACAI made more approaches to the government for updates, and a new association, the Irish Amusement Trades Association (IATA), came in also pressing for updates. The difference between the two associations was that the ACAI wanted to keep slots in arcades, whereas the IATA wanted to permit them in pubs, as their colleagues were permitted to do in Britain. The Garda occasionally raided arcades and seized offending machines with big payouts, but the cases rarely got beyond the lower courts because the trade stalled for time, pursuing one case all the way through a tedious legal system.

The mud hit the fan late last year when the Cafolla case reached the Supreme Court. This was the big test case in which the Cafolla family, which had run arcades in Dublin City for many years, contested a prosecution in a lower court for operating illegal machines. Their appeal consisted mainly of the claim that it was unfair and unreasonable of the government to expect a legitimate industry to continue to operate on stakes and prizes that were at a level set so long ago that they bore no relation to present-day conditions. It was unconstitutional, said the Cafollas.

They lost, and so did the industry. The director of public prosecutions was free to pursue all the other cases that had piled up, and meantime the Garda checked all Dublin arcades to ensure that they were operating on no more than twopence input and 50 pence top payout. Some arcades closed their doors immediately on the grounds that the downturn in income would mean that arcades were uneconomic to operate with high taxes. Others altered their machines and stuck notices on the front of them explaining to their regular players why they were suddenly playing for such low stakes.

At a crisis meeting just before Christmas, hundreds of Irish arcade owners and employees listened to the leaders of the two trade associations, now united by adversity, plead with them to campaign with their local T.D.s (members of parliament). "Tell them they're putting 5,000 people out of work; tell them they're costing the country millions of lost exports and lost tax revenues from the machines."

One sharper Irish wit whispered to me: "The gravy train's hit the buffers," and another, with a typical twinkle in his eye, reflected on the big turnout at the meeting with: "Sure they're out in force, there's no race meeting today."

They formed ALTAC, short for Amusement and Leisure Trade Action Committee, to fight the industry's case for relief, and they worked very hard. They organized placard-carrying pickets of arcade workers outside the Dail (parliament) buildings and ran press conferences outlining the lost jobs, exports, and taxes caused by the effective closure of the industry. And they were heard.

At the end of December the Irish government introduced a bill into the Dail seeking new stakes of 10p and new prizes of £20 (15 cents and $25) but it was opposed vigorously by the smaller parties, and the resulting publicity coupled with the government's shaky majority led to a hasty withdrawal of the bill.

From that moment on, it was all downhill for the Irish amusement industry. The headlines blazed again when one of the trade's most vociferous opponents in the Irish parliament, Liam Skelly, T.D. for one of the Dublin constituencies, emerged from the parliament buildings and made an obscene gesture to the picketing arcade workers. Then another T.D. made banner headlines when he alleged that he had been approached to act as a "consultant" to the industry in the Dail, and that he would be well-rewarded from a £250,000 fund set up by the arcade owners. The "bribe" scandal rocked the trade just as the Dublin councillors were about to meet on the subject of the rescinding motion. By common consent, the allegations swung the votes in favor of closing down all of the arcades.

"£250,000!" spluttered an angry Raymond O'Hara, ALTAC chairman. "I couldn't even get the trade to contribute £100 a head to our campaign funds." But his protest was swept away by a press eager to hype the bribe scandal.

What is left for the Irish industry apart from more rescinding motions and more closures all over the country?

In truth, little. The government is pledged to come back with an amended Gaming and Lotteries Act, but probably not before the end of this year. It is pledged to do it because it wants to start a state lottery but cannot really do it without a new Gaming and Lotteries Act, which will naturally have to take account of the amusements industry at the same time. It may be that the end of the year will be far too late to help the Irish arcades, and in any case any help which a new act might give the trade, which has already had such bad press, may not be politically expedient.

Governmental help, therefore, is viewed sceptically. Helping itself may be the trade's best recourse, now. Next on the agenda is another court battle. ALTAC plans to pursue another Supreme Court case, this time testing whether the wording of the 1956 Act giving the councils the right to rescind the relevant section on arcade permits is also capable of another interpretation. "We do not believe that the act really gives them the right to rescind permits," said O'Hara.

But that, too, takes time, and in the meantime the shutters on the doors in Dublin get dustier. •

NATIONAL PLAY METER

Poll Information

The following are rankings of the top games in the coin-operated amusement industry. The games are ranked according to an index formulated from a regular survey of operators of coin-operated amusement equipment. Games not appearing on this poll either (1) did not generate a five percent response or (2) did not rank among the top 50 games in the country. The games are further identified by their general equipment classification type: Video, Pinball, and Novelty. The average index rating for all surveyed games for this individual survey was 82.

Top Ten Games of March 1 Issue

Game/Manufacturer	Index Rating
1. *Gauntlet*/Atari	282
2. *Pub Time Darts*/Nomac	177
3. *Hang-On* (upright)/Sega	162
4. *Choplifter*/Sega	155
5. *Mat Mania*/Memetron	151
6. *Temple of Doom*/Atari	150
7. *Triv Quiz 3*/Status	144
8. *T.N.K. III*/Kitkorp	138
9. *Cheyenne*/Exidy	136
10. *Paperboy*/Atari	131
10. *Comet*/Williams	131

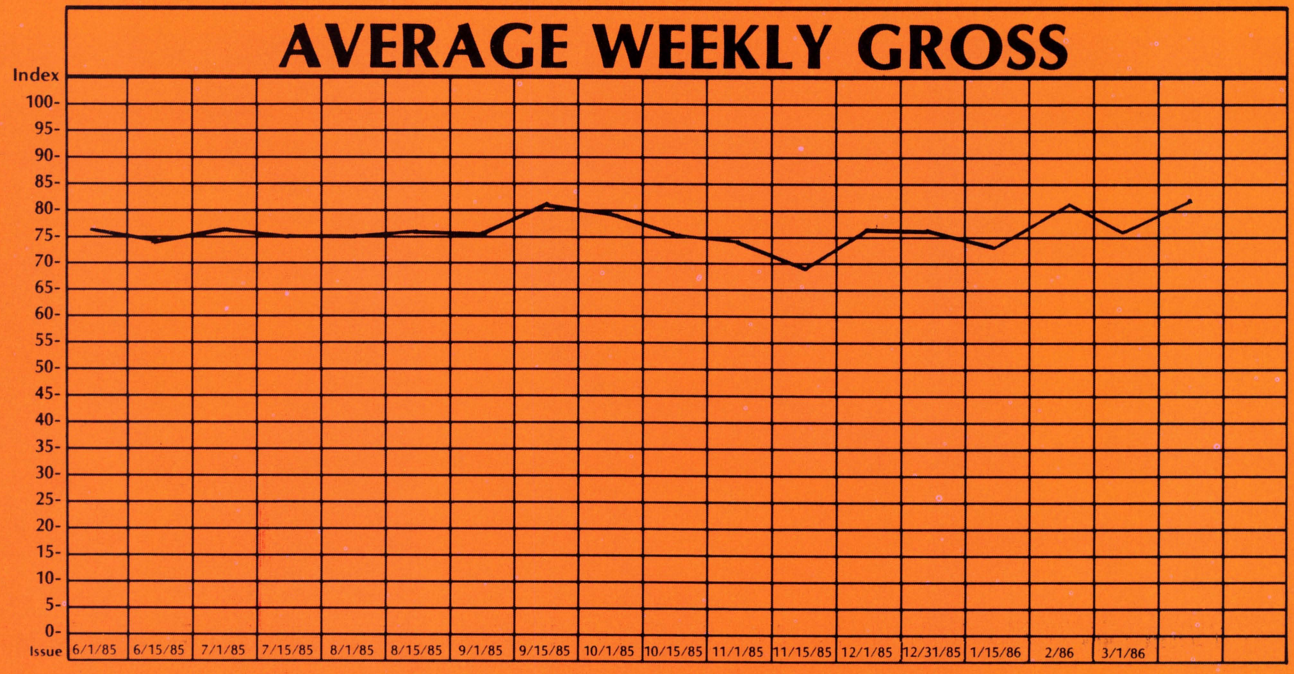
Game/Manufacturer	Mar. 1	Feb.	Jan. 15	Dec. 31	Video	Pinball	Novelty
1. *Gauntlet*/Atari	282	336	428	229	•		
2. *Pub Time Darts*/Nomac	177	—	—	—			•
3. *Hang-On (upright)*/Sega	162	244	217	241	•		
4. *Choplifter*/Sega	155	122	177	137	•		
5. *Mat Mania*/Memetron	151	161	171	—	•		
6. *Temple of Doom*/Atari	150	147	136	152	•		
7. *Triv Quiz 3*/Status	144	70	—	—	•		
8. *T.N.K. III*/Kitkorp	138	—	79	—	•		
9. *Cheyenne*/Exidy	136	70	114	79	•		
10. *Paperboy*/Atari	131	124	145	145	•		
10. *Comet*/Williams	131	136	132	137		•	
12. *Skee-Ball*/Skee-Ball	130	—	148	—			•
13. *Commando*/Data East	124	92	124	116	•		
14. *Shootout*/Data East	122	69	—	—	•		
14. *Gunsmoke*/Romstar	122	100	163	—	•		
16. *Triv Quiz*/Status Games	120	79	84	—	•		
17. *Mini Golf*/Bally Sente	115	163	160	—	•		
18. *Ghosts 'N Goblins*/Digital	110	114	—	—	•		
19. *1942*/Romstar	107	88	94	90	•		
20. *Rush 'N Attack*/Konami	106	83	113	122	•		
21. *Kung Fu Master*/Data East	98	77	85	100	•		
22. *Spy Hunter*/Bally Midway	96	106	105	111	•		
23. *Major Havoc*/Atari	95	39	84	73	•		
23. *Samurai*/Magic	95	41	74	—	•		
25. *Ring King*/Data East	93	85	163	101	•		

NOTICE: The sole purpose of this survey is to determine on a regular basis the top performing games in the country. Any attempt to use the results of this survey for any other purpose is unauthorized, wrongful, and misleading.

NATIONAL PLAY METER

Game/Manufacturer	Mar. 1.	Feb.	Jan. 15	Dec. 15	Video	Pinball	Novelty
26. *Space Shuttle*/Williams	91	106	90	95		•	
26. *Demolition Derby*/Bally Midway	91	126	123	—	•		
26. *Tic Tac Trivia*/Merit	91	—	—	—	•		
29. *Pole Position II*/Atari	89	76	93	94	•		
29. *Galaga 3*/Bally Midway	89	59	85	71	•		
29. *Hat Trick*/Bally Sente	89	93	—	88	•		
32. *Up and Down*/Bally Midway	86	43	52	—	•		
32. *Eight Ball Champ*/Bally Midway	86	72	80	—		•	
32. *Rock*/Premier	86	95	—	89		•	
35. *Hogan's Alley*/Nintendo	85	74	85	80	•		
36. *Karate Champ*/Data East	83	68	82	79	•		
37. *Magmax*/Nichibutsu	81	63	74	48	•		
38. *The Empire Strikes Back*/Atari	80	72	52	—	•		
38. *VS. Baseball*/Nintendo	80	85	58	56	•		
38. *Bomb Jack*/Tehkan	80	44	90	—	•		
38. *Spy Hunter*/Bally Midway	80	66	50	63		•	
42. *Eight Ball Deluxe*/Bally Midway	79	79	71	71		•	
42. *Sorcerer*/Williams	79	119	113	—		•	
44. *Pole Position*/Atari	78	82	74	73	•		
44. *Yie Ar Kung Fu*/Konami	78	52	73	61	•		
46. *Two Tigers*/Bally Midway	76	62	59	57	•		
46. *Dragon's Lair*/Cinematronics	76	39	56	45	•		
46. *Duck Hunt*/Nintendo	76	64	84	67	•		
49. *Strike Zone*/Williams	75	74	—	53			•
50. *10-Yard Fight '85*/Memetron	74	85	89	68	•		
50. *Sex Trivia*/Merit	74	103	104	155	•		

AVERAGE WEEKLY GROSS



Players hold key to game development

by Bonnie Theard

"In this industry the only measure of success is the number of quarters that go into the coin chute ...whatever constitutes the magical, mystical thing of game play that makes someone put money into the game—that's not really quantifiable."

—Bob Lloyd
Data East U.S.A., Inc.

"There is no science for picking a good game; the cash box tells us, or players tell us—they are the judge in the final analysis. The aim is to develop the highest-earning game with the best entertainment value."

—Bob Lundquist
Bally Sente, Inc.

Lloyd and Lundquist expressed those thoughts when considering the evaluation process in the research and development of new games.

That old axiom of the coin-op business—you don't know if a product will be successful until it hits the streets—proves true when tracking game development with a number of manufacturers: Data East U.S.A., Bally Sente, Premier Technology, Nintendo, Atari Games, and Bally Midway.

What happens after an idea for a game is conceived? How much testing is done and where? How are names selected? What percentage of game ideas ever develops to a final product? How long does the process take?

Data East

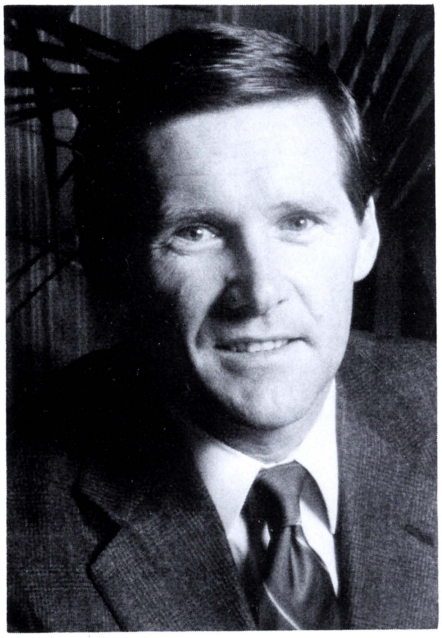
Bob Lloyd, president of Data East U.S.A., compares developing games with making movies. "All developers try to make a 'Gone With The Wind,' but sometimes they make a 'Heaven's Gate.' In the case of 'Heaven's Gate' the producers believed in it, the actors believed in it, millions of dollars were invested in it, and, somehow, when it got to the end it was a disaster.

"We'd like to think we could tell before we get to the end, but like any creative work—book, movie, or video game—we really don't know until the end. That's why manufacturers must test games and why out of 20 to 30 games tested we only put six to nine in the marketplace. A tremendous amount of money is expended that never sees the light of day."

Data East U.S.A. receives games from its parent company in Japan, Data East Corp., and licenses games from other Japanese companies such as Capcom and Irem. Lloyd said the parent company has a staff of 125 in research and development, including game developers, programmers, artists, and engineers.

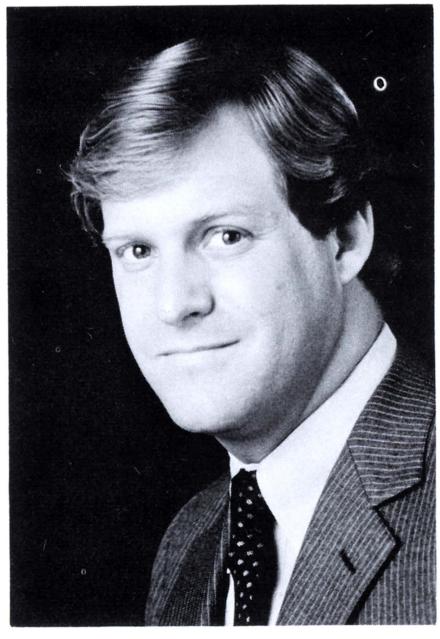
It takes four to five months for an idea to be developed into a game ready for broad testing. In those months a prototype of the game is tested in two or three locations, not to get an idea of its earning potential, but to determine changes needed (such as difficulty-level adjustments, depth of play, and other considerations) to finish the game and prepare it for a second test in 10 to 15 locations throughout the country for six to seven weeks or more.

The second test is mainly in street locations such as restaurants, bars, convenience stores, and truck stops. "We try to develop games for the way the market is structured today," Lloyd said. "In the past it was more arcade-



Bob Lloyd

Mary Fujihara



Bob Lundquist

oriented; now it tends to be more to the street environment. We test in four street locations to one arcade location. We are trying to get games players want to put quarters in, and want to continue to put quarters in, so [the game] is a good investment for the operator."

Both *Karate Champ* and *Ring King* were sent to Data East U.S.A. as single-player games. A two-player option was added to extend earning life.

"Toward the middle of *Ring King*'s development we changed to a two-player mode," said Lloyd. "It cost us another 60 to 90 days in development. In terms of expense you're looking at six figures. Any operator who was successful with *Karate Champ* can understand why we wanted to change *Ring King* into a two-player game and why we invested substantial money."

Data East U.S.A. tests simultaneously with its Japanese parent. Gameplayer demographics in the U.S. are different from those in Japan and Europe. For instance, space games have been popular in Japan but not in the U.S. recently. *Ring King* was successful in Japan and Europe as a single-player game.

"Many times we give ideas to the home company, broad ideas on types of games," explained Lloyd. "Our input into the development is in terms of what is right for the U.S. market and can come at the beginning stage, middle, or at the end. It is a constant refining process."

Bally Sente

"Our average development time is in the range of nine months from first idea to final product," said Bob Lundquist, Bally Sente president. "One advantage of operating a system is that programmers become proficient with the hardware, and faster. Dedicated games often change the hardware and involve a new set of tools for the programmer.

"Development times are down 50 percent today at Sente. The average development time a couple of years ago was 18 months. We drew from previous work to save development time. We can use the same algorithms developed for another game. For example, programmers write [a] code to cause a particular motion or action. If [a] code has already been written, then we can save time in the development of another game utilizing this same activity or motion.

"We've had some games develop along nicely that we've had good feelings about, and they pan out to be successful. It's not possible to be right all the time. When *Pac-Man* was first reviewed at Bally Midway it was considered far too simple and childish to be a successful video game. The rest is history."

At Bally Sente three of the nine months of development involve testing. A game first is tested locally in the Silicon Valley so that engineers can learn how players react to it, what its average length of play is, and other things that can help them determine how to improve the game.

"In the last six weeks of development we look closely at revenues," Lundquist said. "Normally, 10 to 12 locations are selected, and we attempt to get a good cross-section of bar, street, and arcade locations. A number of these locations are in Chicago, primarily because our games are manufactured there and our market-research staff is located there. In addition, we have a test relationship with various operators around the country and try to detect any regional differences in a game in this manner.

"We guarantee operators a minimum of four new system games a year. In 1985 six were released. We start with approximately a dozen games and narrow the field. Some go all the way to the final test period and others do not."

Premier

"Over the years the manufacturer has dictated what types of games were offered for play. Today at Premier we like to think we listen to the wants and needs of operators and players to determine the type of product we produce," said Jeff Walker, sales manager for Premier Technology.

At Premier, game development requires six months from the original idea for a playfield, to the game on paper, and then to the game in white-board stage—a pinball without lights.

"At the end of six months we have the prototype and the artwork together in the final unit," Walker said. "Once we get the game to the point of white-board, we decide first, 'Is it fun?' and second, 'Does it mechanically work?' We then pick a theme. The designer creates with a certain theme in his mind, and when the game becomes a white-board we decide whether to follow through with that theme or select another theme based on current trends. The name of our newest game, *Rock*, was selected based on marketing-division data showing music on the upswing [because of] MTV and other

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Bally Sente's Dave Ross, left, a game designer/programmer, works on background sounds with Gary Levenberg, a sound designer/manager.

Bally Sente graphic-design manager Bob Flemate works on the header and control-panel graphics designed to draw players' attention.

Rich Adam, a Bally Sente game designer/programmer, checks the playfield of Trivial Pursuit, *a game licensed from Canadian merchandisers.*

music-oriented programs.

"Less than 50 percent of the designed white-boards ever go into production. A game may work, but not be fun. We have to design everything with the intention of the players having fun. What seems ideal on paper doesn't necessarily work on white-board. We play the living daylights out of a game to be sure the concept on paper physically works."

According to Walker, Premier is manufacturing more pinballs today than in the past two or three years. The company tests in three kinds of locations: arcades, eating and drinking places, and bars.

Atari

"One of the key elements in our design is player input," said Mary Fujihara, marketing director for Atari Games Corp. "We have a product-development style we have followed for a number of years. If we ever do go away from this style, we go to the operator for input. Such a deviation would be omitting or adding something in the cabinet, like a changed coin slot."

Atari's newest dedicated game, *Gauntlet*, was developed and tested for 18 months. "It's hard to capture a consumer trend with a long lead time," Fujihara said. "We look for a theme that will be popular with players or does something different. The acid test is going out to the field. Regarding some games, we have had a very strong sense from the start that they would be successful—a gut feeling—although we don't rely on it. We wait for a game to prove itself."

According to Fujihara, after a concept is formed a project team is assigned, including a project leader, one programmer, animators, audio engineers, and a product manager from marketing.

The team may work for six months producing the game. A project name is assigned, but the product name evolves in the last three or four months of development. A trademark search is conducted to be sure the name is not already copyrighted for the amusement industry.

"With *Gauntlet*," Fujihara said, "a directional focus group was established early on to consider the role-playing adventure theme. Regular game players recruited from arcades helped pre-qualify the theme for player familiarity. We wanted to get some direction on what players would like to see, what elements of role-playing games could best be trans-

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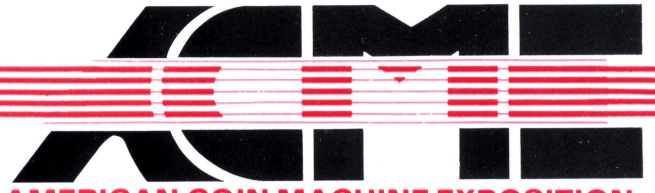

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formed to a coin-operated game.

"A little over halfway through development we assigned a game-play focus group and recruited all-new players for hands-on evaluation. This is a troubleshooting stage, strictly qualitative in nature, and cannot tell us whether a product will succeed or fail. Three or four groups of 10 each in different age brackets were in the test group. Based on focus group input we tune a game before field testing. If a lot of directional changes are suggested it will take longer, but in *Gauntlet*'s case changes were few and implemented quickly, passing it on to the field-testing stage."

Gauntlet was first field tested in a local arcade. "Objectives for field testing vary," Fujihara said. "The primary concern is earnings potential. We track earnings and have a hidden objective to critically evaluate player feedback from statistics gathered by the software, such as how many one-, two-, three-, or four-player games were played [for *Gauntlet*], game time per coin, and the like. We conduct on-site interviews and watch players in action. If a product doesn't earn in the first field-testing stage, it can be terminated.

"*Gauntlet* then went to street locations. We consider the earnings of test locations. If there have not been any other new games there recently, we expect our game to earn in the top five game incomes. We like to set up longevity tests of three to four months. This is a critical stage. After the first few games are tested, we may further tune the game or leave it and watch earnings.

"After street locations we do remote field testing out-of-state. We compare game statistics. Average time of play may be 90 seconds in one type of location and only 45 to 50 seconds in another.

"It used to be that one setting would match 80 percent of locations, but there isn't even a universal arcade setting now. Operators are the first to say games collect differently. In the final game we offer them the tools and statistics to determine a setting for their varied locations. We give the options to adjust game difficulty and statistics on how each option is accepted by the player. In packaging we will post a notice to operators with recommended options for street locations and arcades."

Before *Gauntlet* was released to distributors, 14 of the games were tested in the U.S., Europe, and Japan. All *Gauntlet* games are hand-built.

"We try to keep the hardware cost down with the best cabinet design for the least money," Fujihara said. "While the core game development is going on there are other support groups working hard to reduce hardware costs to the operator, thus there are many hidden hours of labor."

Bally Midway

"Product development is like a normal pregancy—about nine months to term," said Steve Blatspieler, director of marketing for Bally Midway. "Ideas are first presented to a game committee composed of personnel from marketing, sales, engineering, manufacturing, and art. Normally, all ideas are storyboarded for presentation, and an evaluation is made after review. The storyboard gives some basic concepts of the game, such as what the players must achieve during game play. There are limitations on what you can do with an idea based upon the hardware and the software."

In the next stage, the approved game idea is turned over to a programmer to start generating the game, which may change some from the original storyboard idea. When one game is ready for market, the pro-

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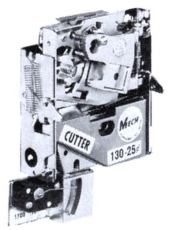

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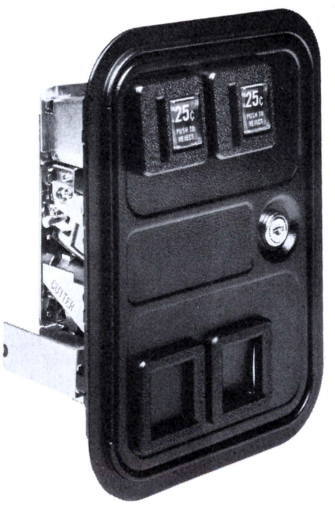

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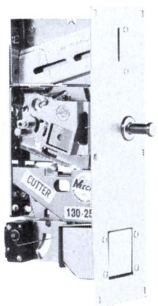

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Jon Kinsting, one of Bally Sente's game designer/programmers, reviews a game being developed.

grammer begins working on other new ideas. Marketing or sales people may make suggestions to programmers.

According to Blatspieler, "A driving game has more longevity than a normal video game. From a pure business point of view, to have product flowing through production lines, there's an equal emphasis on pinballs and video games. Your business plan determines the emphasis on product development. Bally is unique in that it is not single-product dependent."

Product testing may begin when the program is 90 percent finished and the game is in prototype stage, or when the game is complete. The game will be fine-tuned based on marketing information gathered during testing. "As you do your testing you quickly find out if a game falls into one category or another—street locations are more numerous overall than arcade locations," said Blatspieler. "We do some initial testing here in Chicago, and after fine-tuning the game, we test regionally.

"If a product is ready to go to test and doesn't test well, the public doesn't see that product, it is scrapped. Today's marketplace is so restrictive it doesn't make sense to take an average game to market.

"The coin-machine business has very distinct seasonal buying habits. Timing becomes a factor based on those buying habits. For example, on the Eastern Shore the arcade buying season starts at the end of February. Operators buy equipment to be placed later. If you have a piece that really is an arcade piece, you may want to target it to fit that particular time frame.

"Ideally, it is best to have a game that tests universally well at all age levels, with male and female players, and is universally acceptable to all locations and regions, cutting across all demographics. *Pac-Man* and *Ms. Pac-Man* came closest to this ideal."

Nintendo

Frank Ballouz, director of sales for Nintendo of America, Inc., said, "Our games are first evaluated and tested in Japan, and probably 75 percent of the product we receive from our parent company hits the U.S.market. Hiroshi Yamauchi, president of Nintendo Company, Ltd., has an uncanny sense regarding entertainment products. He seems to know what the playing public wants and has been leading the research and development staff to develop excellent games."

Ballouz said Nintendo's parent company has between 60 and 75 employees in three research and development groups. "Each group works independently of the others," he added, "which keeps competitiveness in the three groups strong. One of the groups was responsible for our *Punch Out!!* games.

"The majority of the weeding-out process is done in Japan. Testing is conducted through Nintendo's Family Computer System, and 17 to 18 percent of Japanese households have one of these."

Once games are received here, Nintendo of America tests in the U.S. market, working through a local distributor. "What is successful in Japan is not necessarily successful here," Ballouz said. "We adapt a product to our market. We look at each individual product, and our decision varies based on market needs at the time.

"There is no set dollar figure that determines a successful game. One that takes in $500 a week would certainly be manufactured; one that takes in $100 to $200 a week regularly would probably be manufactured. We don't restrict ourselves. It's up to the product and earnings. We are fortunate, our exposure is limited [because] many components of the Nintendo system may be reused later if we overspeculate."

Players the key

Clearly, players are the key ingredient in every stage of new-game development. Manufacturers tailor product to market trends, striving for a top-earning game with each release. But not until players have a hand in trying the final product can manufacturers, distributors, and operators know if they have a winner. •

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CRITIC'S CORNER

By Roger C. Sharpe

Eight-game blitz marks Critic's return

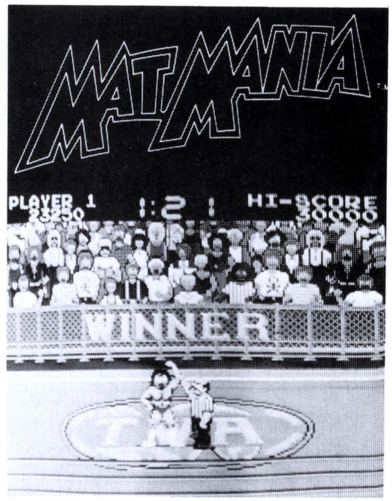
It's been quite some time since have manned this Corner. So much has gone on to interfere with my doing anything consistently that I'm sure many felt I had just faded away. Nothing could be further from the truth. I'm still out there playing and talking to operators, distributors, manufacturers, and, of course, players.

A broad overview may well set the tone for this go-around, since what I have seen in location after location is the willingness of players to try almost anything. There are no set formulas (not that there ever were) in producing a successful piece. Novelties have their place alongside pinballs, videos, and other attractions that are helping give greater diversity to coin-op machinery. And, probably more than at any other time, it is the total entertainment value of a given machine that appears to be the bottom line. Start with some solid play and package it with all the frills—lights, sound effects, and bold graphics. Look at the charts and you'll see the kinds of games that are leading the way. All have some quality that differentiates them from the rest of the pack, and it will be this attention to detail that will become increasingly important.

This time around I'm going to offer a number of mini-reviews to help me get my feet wet. As always, I look forward to your reactions to what I have to say about any piece of equipment, and if you'd like to see me try a different format let me know that as well.

Memetron's *Mat Mania*

Hulk Hogan notwithstanding, wrestling has become a big business coast-to-coast in arenas, on television, and even in toy stores, which are



selling action figures along with mini-wrestling rings. So, although we have seen a couple of attempts in the past to cash in on the theme, this rendition via Taito and Technos is getting quite a bit of play as a solid conversion kit.

The format is one we're all familiar with, as the player must meet and beat a lineup of adversaries within three minutes in order to move on for a chance at the title. The moves are all there for the player to make by using a joystick and action buttons.

The sound effects, graphics, and total package are very well done, and Memetron should find the market more than ready to support this action-packed game, especially where competitive levels between players is high.

All in all *Mat Mania* can be a welcome addition to locations looking for more sports themes that trade off the real-life success of wrestling. I'll go with a solid ### and head for the rope and a flying body slam.

Data East's *Shootout*

Gun games have always been a staple of the coin-op business, and even though there may be a joystick and dual action buttons to manipulate rather than the stock of a rifle or the feel of a gun, Data East has brought to life a very nice period piece that is set off from many of the games currently available.

It's the Roaring '20s and "The Untouchables" all over again as the player must make it past an almost never-ending swarm of gangsters in a quest to get the "Mob Boss." The key here for players is the dimensionality of the screen, with a very good use of not only side-to-side action but also depth of field in the center of the visuals.

A good shoot 'em up, *Shootout* should keep Data East's recent streak of success intact if players don't master the patterns too quickly and cut down on earnings and repeat play in the process. With so many sports games and war themes coming out, here is a solid package that should help break the monotony for players only finding similar equipment. Data East hits the bull's-eye with a ###¼.

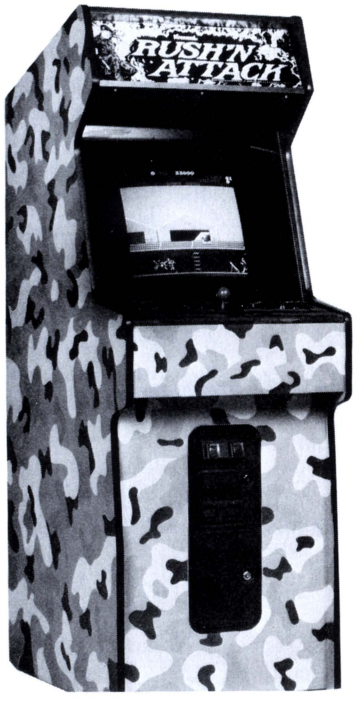
Sega's *Choplifter*

Here is a company that has come back with a vengeance under the leadership of Gene Lipkin and the drawing power of *Hang-On*. Now, there's an interesting combat game that has made the rounds. For those who don't know the personal-computer market that well, *Choplifter* was the first big commercial hit for Broderbund, a major software producer. The game then went into a reverse license over to the orient and obviously has shown

enough to warrant a go at the domestic audience.

A joystick and multiple buttons are all the player needs to travel through a world far different from the one encountered on home monitors the past few years. The mission still is to rescue people and manipulate the controls of the helicopter, but there are much more cosmetic effects—sight and sound—to give the game a chance to borrow off of its name without duplicating the playing experience.

Choplifter does bring some instant recognition to the street, and Sega has done the rest to make this a very worthwhile piece to consider in the combat theme. We'll go with a ### and see how the public responds in the months to come.



Konami's *Rush 'N Attack*

Combat games have always been an in theme for youngsters, and with Rambo and GI Joe big hits, it's easy to see why Konami has followed suit with this package of firepower. Players have a joystick and dual button controls for maneuvering their on-screen hero.

The backdrop is a series of armament visuals, while the action is strictly lateral in a mission to free captured P.O.W.s. Along the way players can fire some pretty good weaponry as well as duck or jump out of the line of enemy fire.

The sound effects and graphics are both solid, as is the game theme, although the depth of field and dimensionality of the board aren't used to the extent they could have been. But even with this limitation, *Rush 'N Attack* still produces some good challenges for the player and a sense of storyline that adds to the entertainment value of the machine.

Following in the footsteps of a *Frontline* from years gone by or even the more recent *Commando*, this effort from Konami more than holds its own under fire and gets a ### in the process.

Premier's *Rock*

Whether the name is Gottlieb, Mylstar, or Premier, you come to expect a certain quality level from this pinball institution. Known for a conservative approach over the years (Gottlieb was the last manufacturer to venture into solid-state, for those who remember the unveiling of *Cleopatra*), the company has suffered recently from the lack of glitz in their games.

In addition, the play action and ability to sustain interest over many months has left much to be desired with *Ice Fever, Chicago Cubs, Bounty Hunter,* and even *Tag-Team Wrestling*. But where Gottlieb/Mylstar/Premier has always shined is in mechanics, with equipment built solidly—from flippers to targets, bumpers, and all the rest.

Now it appears the mood is one of returning to basics in terms of playfield design, with a much more cosmetic treatment than ever before. *Rock* breaks new ground for Premier with a sound package that rocks out from start to finish. If anyone remembers the best of *Reactor* (an ill-fated video that preceded *Q*bert*), this effort more than out-does it. And the visuals are anything but the usually tame, middle-of-the-road artistry that has marked the company.

With a contemporary theme, a new backglass technique, and a totally different cabinet design, *Rock* has a balanced board with three top lanes controlling the multiplier build-up and a mini-playfield at the top left, complete with a four-bank of drop targets and two small flippers (reminiscent of *Time Line*). Effectively separating the board without ramps or multiple levels, *Rock* serves up a long center-drop-target bank and the need by players to spell out the letters controlled by the five targets as well as side lanes and stand-ups that serve as spot letter pick-ups.

A nice touch is a little loop around at the mid-right of the board that can mean either an extra ball when lit, or double playfield values if the ball can make the journey across the board.

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Straightforward and easy to understand, *Rock* is a great piece for beginners who may be discovering pinball for the first time. There's more than enough for these individuals to try out flippers and ball control.

It's the skilled player who might find the field a bit constricted and repetitive over repeated play, since there really isn't that much to choose from at any one point of play. As an attempt to get back some excitement, *Rock* is a good beginning piece for Premier, and the fervent hope is that they can advance from here and pull off some surprises in the months ahead. But all *Rock* really has to do now is serve as a showcase for how quality equipment can be built and a feel that is unparalleled in the industry. We'll go with a ##¾ on execution for the above-average player, although *Rock* is a definite addition for locations lacking new pinball pieces.

Game Plan's *Andromeda*

Game Plan has attempted to launch a "new generation" of pinball machines led by *Andromeda*. For the first time, with this game, the company has broken into multi-ball play and new sound effects that are topped off by some dazzling artwork from the

hands of Paul Faris—long known for his work at Bally.

The board is another lesson in fundamentals for today's caliber of pinball player; the top three lanes control multiplier build-ups, and a dual bank of three drop targets each at the mid-right supply some other increased scoring potential. At the left, an interior spinner lane is a solid shot from either flipper and a return to the top. The far left is a long alleyway for locking up a ball once the fronting free-standing drop target has been hit.

The inclusion of a lower thumper bumper means not only some fast action down to the flippers, but also a measure of thrust for getting out drop targets when manipulated by an above-average player who knows how to get the most out of a machine's on-field compon[illegible]nts. *Andromeda* is a solid step [illegible]ward for Game Plan, although it is only a beginning for this company that has made a true commitment to the art form.

Forgetting my involvement with *Cyclopes* from Game Plan, I know that the team assembled is trying to produce top-notch equipment that will deliver earnings over the long haul. Little by little, Game Plan will fight its way back into contention in the flipper sweepstakes, and *Andromeda* is a step in the right direction. We'll go with a ##¼ and encouragement for Wendell and the others to keep on

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plugging along.

NSM-Lions' *Cosmic Flash*

Introducing their pinkit Unipin No. 3 conversion package, NSM is attempting an uphill battle that has done well in video but hasn't yet had an impact on pinball. Conversion kits took a long time to catch on, and price along with quality and the availability of parts will be important to any future successes.

Here we have some strong backglass graphics and a colorful board to start with. The field looked to have some promise (although it is a wide-open layout) when I played it at the AMOA. Two center-placed lanes at top begin the action with a three-thumper-bumper area just below and a top left filled with three drop targets in a bank. At the right is an interior alley of in-line drop targets, similar to Bally's *Eight Ball Deluxe*, and another lane to the far right for access back to the top. Move down, and a four-bank of stand-ups finishes off the main scoring features, while the bottom is a borrow from Bally's *Centaur*, to name one machine that featured out-lanes with dual posts for getting back into the flipper lanes if the right nudge and velocity meet at the right time.

So take all the cosmetics, throw in an adequate board layout, and you would think that NSM had a legitimate shot at causing some excitement. But there was a fundamental problem, at least with the machine I played at the show. The flippers didn't have the power needed to make accurate long playfield shots, and the feel was lacking to only add to the frustration. The last comment refers to an intangible difficult to put into words, but it is a recurring problem for manufacturers to understand. Flippers have to *feel* solid when plastic meets ball bearing. There are no two ways about this, and if the flippers are weak to begin with, over time the trouble will intensify and turn off, rather than turn on, players.

NSM should take a look at a Premier flipper assembly, arguably the best in the business, and try to learn what they do differently. For now, one has to give them the benefit of the doubt because it was a show piece, although for a large convention one would think all stops would have been pulled to get the best examples of the product that will be available. I hope NSM has some better days ahead in pinball, but *Cosmic Flash* warrants only a passing # and the warning that today's market needs more, not less, of the best.

Atari's *Gauntlet*

A new package and a new future are the only ways to begin when looking at the company that did the most to launch video into the game room and the living room more than a decade ago. Almost all of the old cast are gone from Sunnyvale, but there is still a mystique the Atari name conjures up. It can best be compared to the feeling one got when the Gottlieb imprint meant pinball at its finest.

Atari has been on a steady path back for the past year or so thanks to their Star Wars tie-ins, the longevity of *Pole Position* and *Pole Position II*, and *Paperboy*. But no one ever expected such a meteoric rise when Atari pulled a surprise out of its magic hat with the innovative *Gauntlet*.

There have been multi-multi-player games before (who could ever forget *Indy 800* and the slew of other attractions built for a congregation of people?), and fantasy games always have been an integral part of video, with players supplying much of the imagination. But somehow Atari has created a new kind of entertainment form in which up to four players can work either together or alone to make it through an almost never-ending display of new mazes and challenges.

There are dual action buttons and a joystick with four main characters to select from—Questor the Elf, Merlin the Magician, Thor the Warrior, and Thyra the Valkyrie. In many ways *Gauntlet* is a coin-op video adaptation of what youngsters have been doing with Dungeons & Dragons over the years, as well as the role-playing software available for personal-computer owners.

But now the ingredients come together in a way that is much more interactive and involving than, say, RDI's attempt with *Thayer's Quest*. In fact, *Gauntlet* provides a continuity that is uniquely its own. The reason is that players can step up to the game at any time—even if there are other individuals controlling characters on screen—and pick up the action without missing a beat. The objective is to gather food and collect treasure while avoiding a legion of bad guys who stand in the way of success. It is the "health" of the on-screen character that controls the length of play. Food and treasure add to this "health meter," which is displayed on-screen for each player.

The graphics are decent, and the sound effects are good, but the theme and execution of *Gauntlet* allow it to stand apart. For the first time, the

VS. GUMSHOE™

coin-op industry has a commodity that might draw in those personal-computer shut-ins who have been satisfying themselves with works from Electronic Arts, Infocom, and others. And even the gameroom regulars won't be left cold, since *Gauntlet* is very much an arcade game with good guys, bad guys, and real objectives and strategies to deal with.

The hope, obviously, is that players will work together to vanquish the enemy, and in the suburbs, where regular players might go to the same school or socialize together, *Gauntlet* should do extremely well. It is in the inner city that obstacles might stand in the way of a stranger intruding on someone else's turf. After all, how many people would move in on a larger-than-life individual in New York City, downtown Chicago, or other large metropolitan locations? This isn't to say that it won't happen, because gamerooms tend to break down class, race, and background differences, but it is going to be a factor that can't be ignored.

Nevertheless, *Gauntlet* is a world-beater that deserves its success. It's nice to see a company take a new direction and lay it on the line, and for that Atari should enjoy its time in the

spotlight. And, given the earning potential of the piece, it isn't difficult to see *Gauntlet* setting a standard against which other manufacturers will attempt to measure up with the same kind of package for multiple players. In fact, my forecast for 1986 is that Gauntlet has broken new ground for the next trend we will see in the coin-op industry. So don't be surprised if you see, by spring at least, a number of knock-offs and variations on the theme for a next generation of video games. On this strength alone, we'll go with a solid #### and hope the next coin-op era will learn from the past and present to understand what will be needed in the future.

That eight-game blitz wraps up this installment of Critic's Corner. I'll try to be back more regularly than I have been in past months. Doing this column is a special task for me, and my observations are meant as a starting point for you—the operator. No one can decide for you what you should, or should not, buy for your locations. You know your market better than anyone. But if I can give you a point of reference, something that highlights features you may have missed or nuances you overlooked, then I have accomplished what I set out to do.

Investing in equipment has never been easy, and all I suggest is that you understand the machines on the market—their strengths and weaknesses—and then pick the models that have potential for you, either as a mainstay or a fill-in.

So, as I always used to do in signing off, let me wish everyone a happy and a healthy year along with the hope that you be well and prosper. •

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FRANK'S CRANKS

By Frank "The Crank" Seninsky

Collection reports raise haunting question

"Why aren't my games doing as well as I've heard they should?" is a question every operator asks himself every time he looks at a collection report. Unless you really analyze every model game in every kind of location, this question will haunt you forever. I spend a lot of time thinking about why certain games aren't earning what I'd hoped for. Here are some thoughts that come to mind.

As an example of what can happen on an operator's route with a newly purchased game, let's take *Ghosts 'N Goblins*. In October, when we got our first prototype model, Morris DeCandia, our senior route manager, noticed that players were staying on the game for more than four minutes, and this after just a couple of practice games. Morris decided to make the game harder by increasing the difficulty level of play. The game then went into a gameroom where it grossed $300 to $400 a week for the next several weeks. The route then ordered another four *Ghosts 'N Goblins*, and somehow they all went out on factory settings. The results were somewhat disappointing, ranging from $122 to $175 a week. It took us almost four weeks to realize that the factory setting must be changed to "difficult," just as was done on the prototype. This mistake probably cost us $1,000! The five games were placed in skilled-player locations.

I have made a list of some of the most popular kinds of games and what you should do to keep them earning to their potential.

Driving games

Spy Hunter:

1. The most common problem with driving games occurs when the steering and gas-pedal calibrations aren't checked at least every six to eight weeks. The calibrations go out of adjustment, and the players get turned off because the game becomes very difficult, if not impossible, to play. It takes only a few minutes to swing down the control panel and go through the diagnostic tests until you get to the pot calibrations.

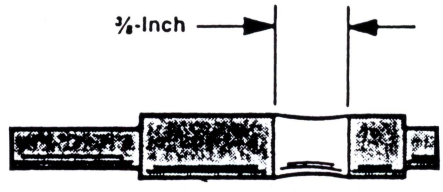

FIGURE 1
This band shows roller and idler shaft wear in the track-ball games *Millipede* and *Centipede*. If the wear band exceeds three-eighths of an inch, the shaft needs replacing. Oil each of the six roller bearings every two months.

2. There are two screws securing each pot to its assembly. These screws are loosened by the vibration caused by the steering assembly slamming back and forth on the left and right rubber bumper stops. The rubber bumper stops and the return springs should be replaced every three months. Is this maintenance worth doing? Do you remember what you paid for this game? Do you remember what you paid for your route car or truck?

3. Check the two roll pins that secure the steering assembly to the shaft. These pins either shear or vibrate out of their slots. If this should happen—and it does frequently—the players will rotate the steering handles until the entire wire harness is twisted off. As a technician, it is wise to carry extra roll pins and to make a diagram of the steering pin-outs with color code. This will save you many hours if you have to rewire the steering harness out in the field.

4. The resistors on the lamp-driver board are underrated at 1 ohm and they burn up quickly. Replace them with 2-ohm resistors to keep your lamps working.

5. This game has been out for some time now, and the factory-set difficulty level is three. Try setting this game on a difficulty level of eight or nine out of the possible 10. You'll be amazed at the results.

Note: Much of the above also pertains to *Pole Position*, *Hang-On*, and *Paperboy*.

Track-ball games

Millipede and *Centipede*:

1. All track-ball assemblies must be lubricated at least every two months with a light oil like "3 in 1." Do not use grease or silicone. There are oil holes provided to make this maintenance simple.

2. The roller-bearing shafts should be changed every six months. Figure 1 shows when it's time to change the rollers. Usually the racers (ring with ball bearings) don't wear out if they are oiled regularly.

3. Check the fire button every two weeks and change the contact blade if you notice a notch in either contact.

4. Reset the high score every week. This should be done when you collect the game.

5. Check the average game time. New games should be played for one

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and a half to two minutes and older games do well at three and a half to four minutes a game. I suggest raising the difficulty level to "hard" on all *Millipede* and *Centipede* games.

Data East games

Commando—Replace the joystick with the Suzo microswitch model, and the game will play much better. Set this game on maximum difficulty because players learn it quickly and will hide behind the trees. There are two EPROM updates (UF-3 and UF-4) that solve this problem.

Kung Fu Master—The button switches oxidize quickly, and these should be changed over to a Wico or Penn-Ray type. Set the game on maximum difficulty.

Karate Champ—As joysticks wear, change to a Suzo-type microswitch and increase the difficulty level.

Data East has decided to release *Ring King* as a two-player kit. This is a great game and should be one of the better conversion kits available. The company also is introducing another kit, called *Express Raider*, so, yes, Data East has come a long way and well deserves operator support.

Older games

Eliminate the repetitive bonus on older games. A game like *Dig Dug* will become an excellent earner once again if you re-introduce it without the repetitive-bonus feature. Try it, and you'll see excellent results.

Thanks to Morris DeCandia for his ideas on game adjustments and preventative maintenance. This aspect of the business is becoming a full time job, sort of like that of an efficiency expert.

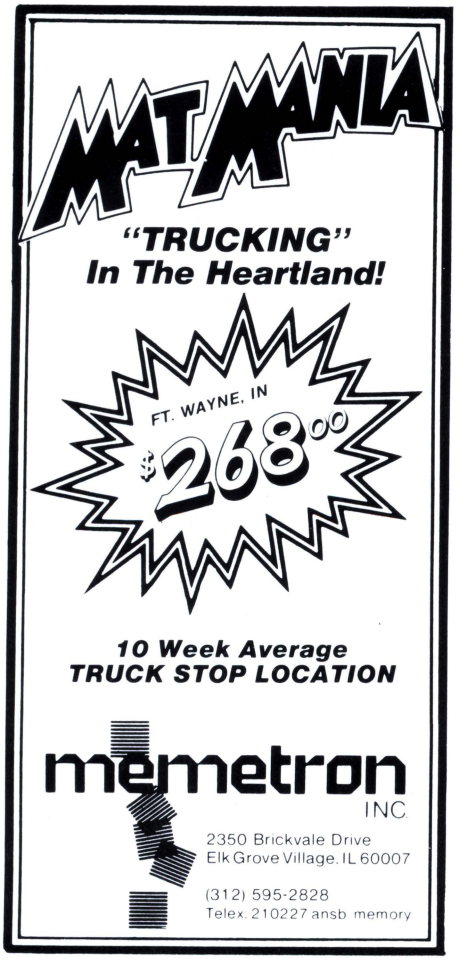
ACME comments

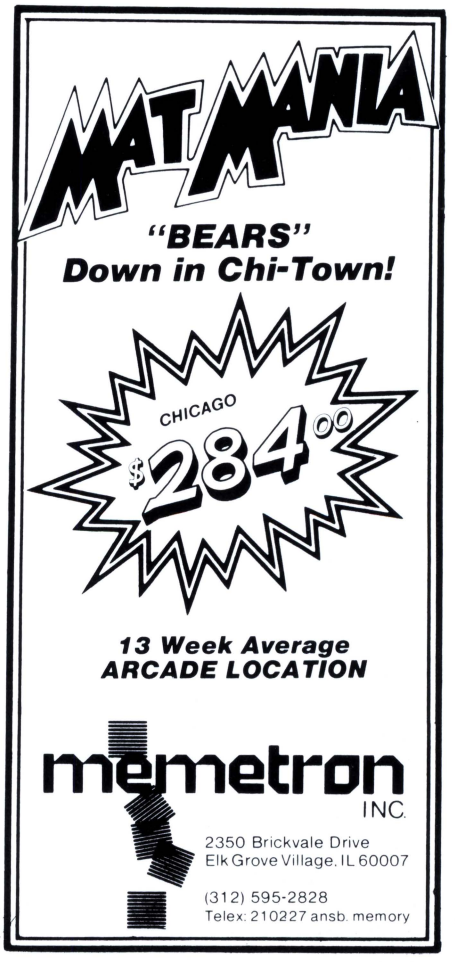
This issue is *Play Meter*'s ACME preview. I'm glad that AOE and ASI got together to make a single show, but this first year can be labeled a trial run. I was one of the many who tried for several weeks to bring the two groups to a settlement, and I had some differences of opinion with certain members of AAMA. All in all, I felt some headway was made and didn't feel that any grudges would be carried away from the negotiating arena. I must have been wrong, because my services were not approved as necessary for this show.

True, it's not an operator's show any more, but some at AAMA don't feel the need for any constructive observations about their products or methods of doing business. Seminar topics on merchandise equipment and on making a route operation more profitable were canned. I want to see strong manufacturers in our industry and have always tried to point out the positive aspects of games along with common problems that operators must be on top of. The service tips help keep a manufacturer's games earning and, therefore, in the public eye. I, for one, will not hold grudges and will continue to inform operators of things I feel they should be aware of. I'll give an accurate account of ACME next month.

I can be reached at Alpha-Omega Amusements and Sales, 6 Sutton Place, Edison, NJ 08837, (201) 287-4990, if you'd like to share your comments.

As always, keep cranking (and enjoy the show). •





FBI aims at counterfeits

by Mike Shaw

Counterfeit games have received a lot of attention over the past couple of years, and lately they have become recognized as one of the industry's biggest problems.

Illegal boards that copy the graphics and game play of popular pieces have cut into the profits of American manufacturers who license rights to sell the games in the U.S.

Counterfeiting has most often been looked at as a "manufacturer's problem," which is easy to understand, at least superficially, because an operator can buy a counterfeit game board for $300 or $400 rather than pay more than $2,000 for a legitimate dedicated game.

The ratio of price to value has given copiers such inroads in the video-game industry that American manufacturers say their existence and the well being of the entire industry are seriously threatened. If copying continues unabated, they say, American manufacturers will stop licensing foreign product, and the American channel for games from Japan will close, leaving U.S. operators totally dependent on Japanese firms.

One American manufacturer, Digital Controls, Inc., already has decided to stop licensing Japanese games. The company has been struggling against copiers of *Ghosts 'N Goblins*.

Mike Macke, Digital's chairman of the board, said, "We are questioning our future in licensing Japanese product. We lose substantial profits when our games are undermined by counterfeiters. It would be foolish for us to continue to risk such losses."

All industries affected

Counterfeiting is not, of course, peculiar to the coin-op amusement industry. James L. Bikoff, president of the International Anticounterfeiting Coalition, contends, "There is now no business not affected by the problem."

Counterfeiting not only permeates almost all product-oriented industries, but it has done so for so long that observers have begun calling counterfeiting "the world's second oldest profession," as it was labelled in a December 14, 1985, *Business Week* article titled "The Counterfeit Trade."

"That's the nature of the counterfeit trade these days," *Business Week* noted. "Perhaps the world's fastest growing and most profitable business, it involves big dollars and, all too often, the possibility of quiet death."

Estimates of the toll counterfeiting exacts from American business are varied (because of the illegality of piracy, its market penetration is hard to track), but a U.S. Congress report contends direct losses are about $20 billion a year. A 1982 U.S. International Trade Commission study stated that copyright-infringing products cost 130,000 U.S. jobs each year.

"Technology is the only true American competitive advantage left," Hewlett-Packard's president, John Young, recently lamented, adding that counterfeiting has become so sophisticated that it threatens to erode that advantage.

International problems

Although the United States is the largest market for counterfeit games, the rest of the world also is affected and taking note. According to a recent editorial in the U.K. trade publication *Amusement Business*, "The video-game industry in this country is on skid row. Every single game that is copied and subsequently undermined in the marketplace as a result means that there is less trade confidence to invest in the next game. Anyone who knows anything about business will know that the most important ingredient is confidence. Without confidence even the very best games will fail."

Japanese game manufacturers, perhaps mainly at the insistence of American manufacturers, have begun to rattle their sabres. Hayao Nakayama, an official in the Japan Amusement Machinery Manufacturers Association (JAMMA), recently spoke out against copiers and vowed to take on offenders. All Korean coin-op video games are unauthorized copies, he said.

About 50 companies in South Korea are manufacturing copies in large quantities and exporting them overseas, he said, blaming the South Korean government for encouraging copiers with export incentives.

"We'll have to confront the Korean government in cooperation with the AAMA (American Amusement Machine Association)," Nakayama told JAMMA directors at a November board meeting.

FBI involved

Stateside, the battle against counterfeit games is being waged mainly at the urging of AAMA. The association of manufacturers and distributors has appeared before the U.S. Congress to plead its case and has sought criminal prosecution of offenders. It has had some success in convincing the FBI that video-game piracy is a serious problem that deserves the agency's attention.

The most convinced of all FBI agents is Bob Fay, senior white-collar-crime supervisor for the Atlanta region. Under Fay's direction the FBI has carried out investigations and arrests in five cases the past year, the

most noted of which was the arrest and conviction of 23-year-old Canadian Timothy O'Reilly, who was convicted July 24, 1985, and sentenced the following September to serve a five-year prison term and pay fines.

Fay's adherence to the task has discouraged distributors of illegal copies from setting up shop in the Atlanta region.

The following interview with Fay was conducted January 29 at his offices in the federal building in downtown Atlanta.

What kind of experience have you had in combatting counterfeit goods?

"I've been white-collar-crime supervisor here since January 1978. But even before that there were major problems with copyright in the recording and motion-picture industries. It seemed that Georgia, North Carolina, and South Carolina were the main states where they had factories doing the copying. We were very aggressive in executing search warrants in 1978 and 1979. I think we did about 12 search warrants. Once some individuals in Georgia got time in prison, in 1980, the activity just stopped. There were no more complains. Then, everything moved up into the Carolinas. But a guy in Greenville, S.C., got convicted, got a heavy sentence. And that was pretty much the end of it all.

"The key is, and I've told this to this industry, that people have to go to jail. My experience has been that the involved people move legitimate stuff as well as the counterfeits. So people will decide to try to make a go of it with legitimate products to avoid possibly going to jail."

Is that what generally happens? Do people convicted of counterfeiting go to jail?

"You've got to keep in mind that most of the people that are going to be charged with this kind of crime have no previous criminal record. And usually on first-time offenders you're not going to get a prison sentence unless it's a violent crime or unless it's a lot of money. In the case of the prison sentence given to O'Reilly, it was a lot of money, and he was bragging quite a bit about it. Testimony came out that he was flagrant about it, so the judge did give him some jail time."

Is the current law sufficient to deliver arrests and convictions?

"We've got a great law. We have no problems whatsoever with the law. In the five cases we have tried here, the law was great. We have the tools. The Copyright Act says that someone who sells or buys over seven pieces can be fined a quarter of a million dollars and put in prison for two years. Buy or sell over 65 pieces, and you're talking about five years and a quarter of a million. Also, there doesn't have to be any transportation from one state to another as there has to be in most federal crimes.

"In addition, there's a brand new trademark law [the Comprehensive Crime Control Act of 1984] which could be used. If a game is manufactured under a registered trademark and somebody copies that, this law could be invoked. It carries a maximum five years and a $250,000 fine and, for a second conviction, up to 15 years and a $1 million fine. What this tells me, from my experience, is that if Congress put such a severe sentence on the books, it feels it is a very serious crime, and I will devote some resources to this type of crime—if I get complaints."

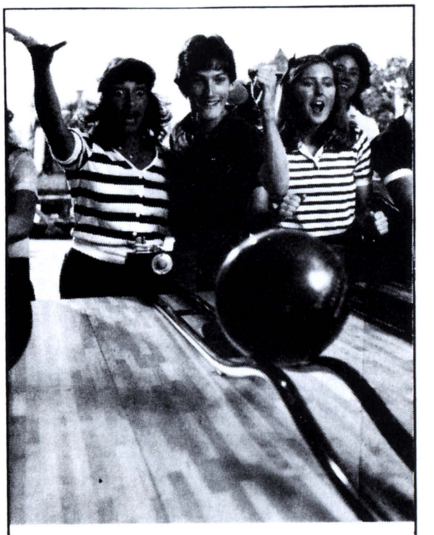
So this indicates that there is some serious consideration being given this problem on the federal level.

"Yes, in Congress and the Justice Department. No doubt about it. For two reasons. One, the law is brand new, and number two, the penalties are severe."

How much priority can the FBI give to tracking and investigating video-game counterfeiters?

"It is a question of priorities. There is only so much manpower to go around. A lot depends on the city. For example, Atlanta is a wealthy town—we don't have organized crime families here; we don't have spies hanging around—so white-collar crime has always been our number-one priority here. The same would apply in towns like Jackson, Miss., or Mobile, Ala. But if you go to Chicago, where you have five or six organized crime families, or New York, obviously your resources are spread out much more.

"My position here was that the industry has demonstrated severe economic loss. That's one criterion. I



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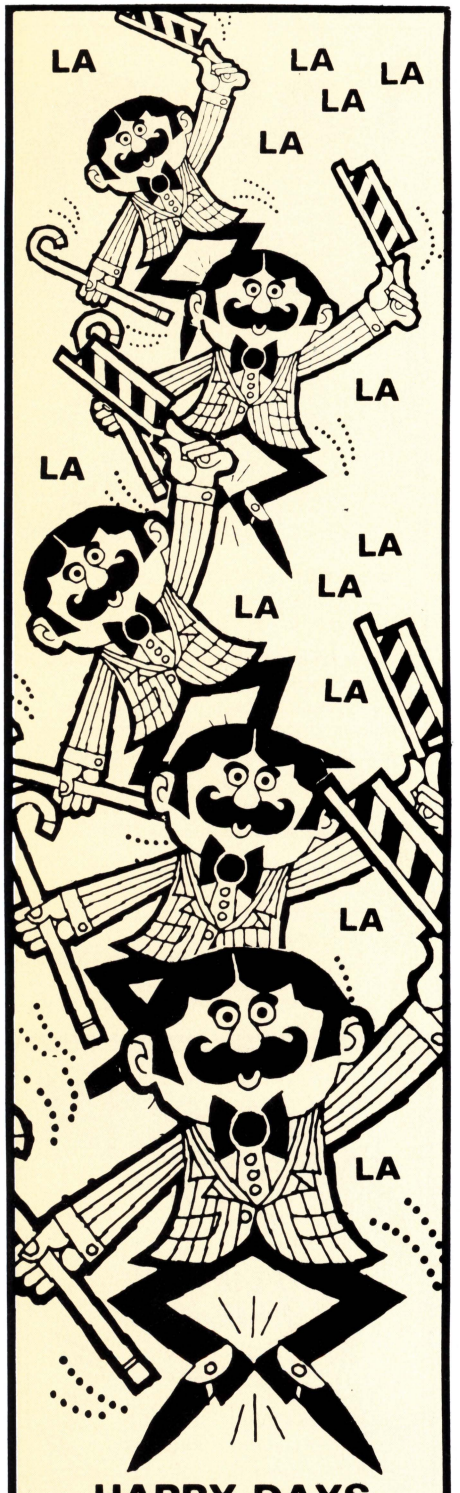

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thought we should devote some resources to the problem."

What should manufacturers be doing to garner the support of organizations like the FBI?

"My rule of thumb is to go to the U.S. Attorney's office and get them to give me the okay that they will prosecute. I have told the industry that they need to talk to our counterparts in the cities, those U.S. Attorneys' offices.

"I have also told them that what they need to adapt is a figure of total economic loss, like the banking industry puts out every year—how much loss there has been from bank fraud and embezzlement. For me to determine what resources I can put on this—I've got 20 agents working white-collar crime; that's all public-corruption cases, all fraud-against-the-government violations, all bank violations, all con schemes, all bankruptcy frauds, computer crimes—what I look at are the criminal record of the guy and economic loss. I bet that if your industry added up all the individual losses in sales that you would come very close to what the banks lose annually in embezzlement."

Is the FBI currently pursuing any cases on video-game counterfeiting?

"There are several FBI offices now that are involved in conducting investigations, and that's on the increase. This is only a year-old problem—that is how long since it's been brought to our attention. And I know from our position, we are going to continue to aggressively pursue it. We are pursuing other cases right now."

It seems that arrests and convictions aside, video-game counterfeiting is on the rise. Do you have a feel for the state of video-game counterfeiting?

"There are certain guys whose names have come up, but who have not been charged yet. There's a small number of these that are big movers. If they could be knocked out, I think you would see some major impact. We know who they are, but I don't have venue on them here in Atlanta, so my hands are tied.

"People like Bob Lloyd at Data East told me that what we have done has helped, but then he's not being hit as hard now as other companies are. As law enforcement, you'd like to think that you're doing some good, but I'm not naive enough to not realize that there's a lot more work that needs to be done.

"And I think what has to be done is that everybody in the industry has to rally together. It appears to me that what the industry has been saying is that when you have the hit game, you are the manufacturer under fire. And the industry said to that person or company that it was his concern, not the industry's concern. My feeling now is that everybody has to join together.

"I might add that now that there are five or so companies that are being affected, it looks like they might have started working together."

A year ago there would commonly be copies of whatever was the big hit game. Now it seems that anything in the top 10 is going to get copied.

"I can't give you specifics, because I don't have the industry statistics. I know that our efforts have helped, and I know of at least six major cities where something is very likely to come about in the near future. I also expect to see results out of Canada that could help the industry as a whole.

"One of the problems is that counterfeiting is being done off the games as they are introduced in Japan. If the industry could find some way to get the games here before they appear on the Japanese market, then the FBI would have complete control over everything."

Do you see the FBI making a greater effort on behalf of the industry?

"I do because I know what's going on in some other offices. Our position here is to keep at it. Now, since five people have been charged here, I doubt that guys will bring their business back into Georgia. We also get tremendous sentencing out of the courts here.

"The way things happen across the board in white-collar crime, the guys involved in it are very mobile. If things aren't right for them in one place, they'll move on to someplace else. I feel that the industry does have a problem in economic losses, and I have no hesitation to put my resources here on to it." •

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TAX TIPS

By Irving L. Blackman

Buy-sell agreement contains trap

One way to freeze the value of your closely held corporation and reduce your estate tax is to execute a buy-sell agreement. A typical buy-sell agreement is a contract between shareholders of a closely held corporation (or between the shareholders and the corporation itself) in which the parties agree that upon the death of one of the shareholders, the survivors (or the corporation) will buy the deceased's stock at a specified price. If structured properly, the agreement can assure continued family control while reducing the value of the stock included in the deceased's estate.

The IRS has announced that it has set a trap regarding the use of such agreements—when the life expectancy of one of the parties is significantly less than that of the other parties, the IRS will not be bound to honor the buy-sell agreement price for estate-tax valuation. Tell your accountant to see AOD 1985-008, 12/24/84.

The courts have held that the deceased's stock will be valued for estate tax at the price specified in the buy-sell agreement if the following conditions are met:

1. The price is arrived at by use of a reasonable valuation method.
2. The agreement has a bona fide business purpose and is not a testamentary device used to minimize estate taxes.
3. The estate of the deceased is legally bound to sell the shares to the parties specified in the agreement.
4. The parties to the agreement cannot dispose of their stock in their lifetimes unless the other parties have a right of first refusal.

Now let's take a look at what the IRS has cooked up in the AOD. The IRS agreed to the result of a 17-year-old Tax Court case, but disagreed with its reasoning. In that case (*Estate of Littick*), three brothers, one of whom had terminal cancer, were sole shareholders of a family corporation. They executed a buy-sell agreement that provided a selling price for the stock of $200,000, even though the agreement stipulated it had a fair market value (FMV) of more than $250,000. The terminally ill brother died shortly after the agreement's execution.

The IRS claimed the agreement was a testimentary device and demanded that the FMV of the decedent's stock be included in his estate. The court upheld the business purpose of the agreement, which was to keep control of the business in the family, and honored the set price. Why? Even though the one brother was terminally ill, it was possible that the healthy brothers could die before he.

After brooding for 17 years over its defeat, the IRS is attempting to do with the gift tax what it couldn't do using the estate tax. It now says that the terminally ill brother's shortened life expectancy made his promise to sell worth more than the promise of his brothers. Therefore, there was an immediate gift. Nonsense!

If the IRS gets away with this maneuver, the usefulness of buy-sell agreements will be greatly diminished. The need for professional tax advice in this area is now more important than ever. •

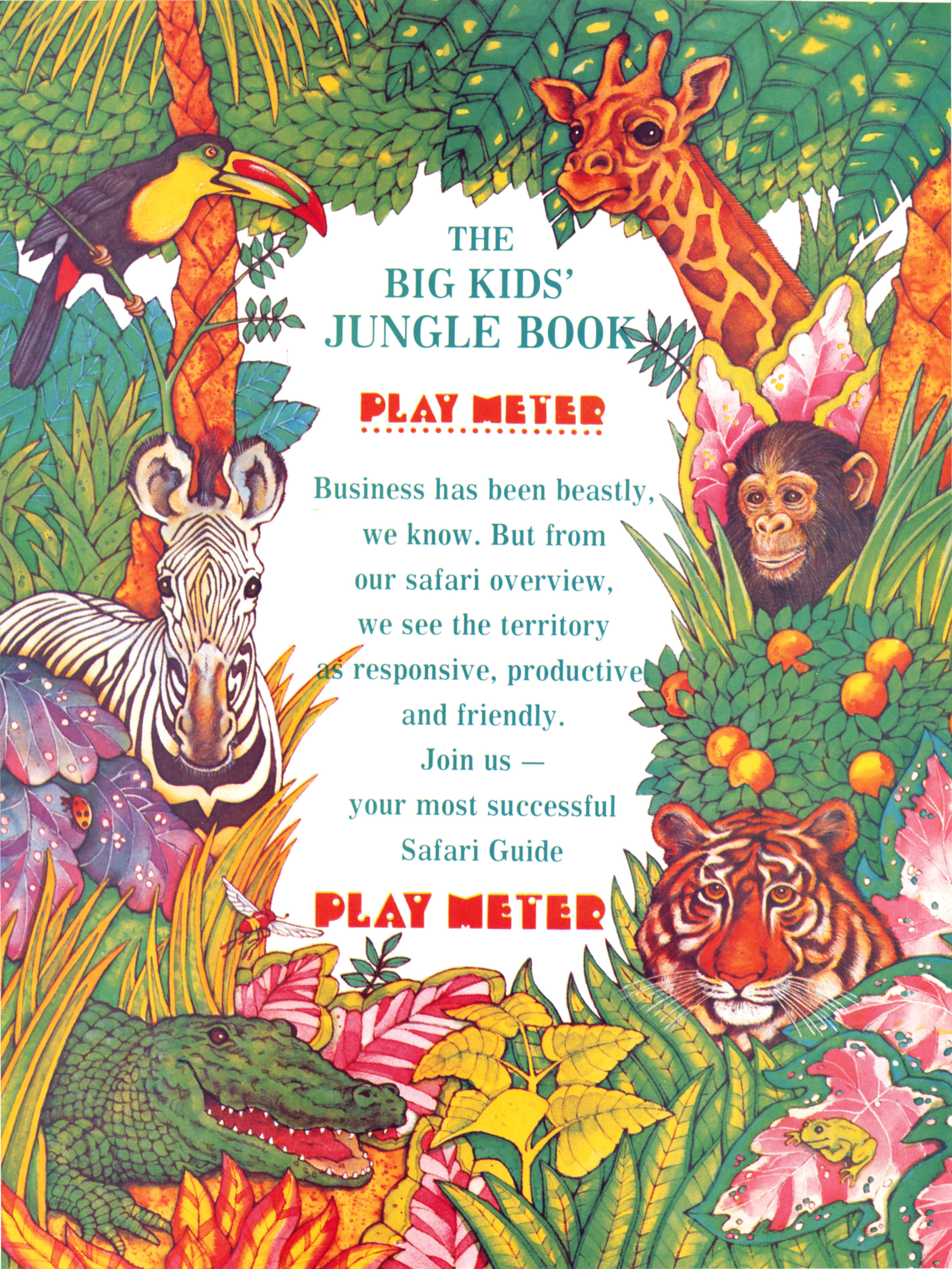
Social Security costs spiral

Although President Reagan has promised not to raise income taxes, he has made no such promise about Social Security costs. Employers and employees alike are feeling the ever-increasing burden of paying Social Security taxes (FICA). The scary part is that while these taxes are increasing yearly, the talk out of Washington these days is about the future bankruptcy of the Social Security system. In other words, the system is paying more than it is taking in, which means Social Security taxes have no place to go but up.

Here are the facts: The Social Security wage base for 1986 is $42,000—up from $39,600 in 1985. As if that isn't enough, the employer's and employee's rate has jumped from 7.05 percent to 7.15 percent. For each employee earning $42,000 or more, the extra burden is $211.20 for the employer. And don't forget, the employee gets hit for the same amount. An employer's obligation to the FICA system for each high-earning employee can be satisfied for the combined increased cost of $422.40. Let's see, that's $3,003 each for the employer and employee or a total of $6,006 a year for each such employee. Compare that to the top cost of $2,808 in 1979, and you begin to realize how out of control Social Security costs are.

If you are self-employed, your 1986 Social Security (self-employment) tax rates rise to 12.3 percent, so you have to cough up $5,166 on the new top-taxable earnings of $42,000.

Other Social Security changes in effect in 1986: The most a beneficiary under 65 may earn without losing any benefits increased from $5,400 to $5,760. The exempt earning amount for beneficiaries 65 to 69 has increased from $7,320 to $7,800. And the minimum earnings required to be credited with a quarter of coverage has increased from $410 to $440 in 1986. •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Court upholds tax shelter

Tax shelters are under fire. Both Congress and the IRS have declared unconditional war against abusive tax shelters. But let it be known that the taxpayer who fights can win in the courts. Here is an example (*Estate of Thomas*, 84 TC No. 32).

The tax shelter

A well-known investment firm formed a limited partnership to acquire computer equipment for rental or resale to third parties. The partnership paid the manufacturer fair market value for the computer equipment. Lessees ordered equipment directly from the manufacturer, and title was conveyed to the partnership when the equipment was delivered to and installed for the lessees. Nonrecourse loans (no liability to the investors) were used by the partnership to finance more than 85 percent of the purchase price. The loans were secured by the equipment and an assignment of all lease/rental proceeds, which were used to repay the loans.

In its promotion, the investment firm estimated that if the residual value of the equipment upon resale were 15 to 30 percent, the partnership would be profitable. Unfortunately, technological advances in computer hardware made the deal unprofitable. The partners deducted the losses.

IRS strikes back

True to form, the IRS disallowed the losses. Why? In the eyes of the IRS, the entire arrangement was a sham transaction "lacking economic substance" because the partners were purchasing tax write-offs, suffering none of the burdens of ownership, and assuming little risk of loss because the loans would be paid by rental proceeds.

Tax Court rescue

The Tax Court disagreed, holding that the form of the transaction should be respected. Nothing was unreasonable about the leases' terms, payments were close to fair rental value, and the lengths of the leases were shorter than the useful life of the equipment. The use of nonrecourse financing was a standard business practice and should not be indicative of risk.

What's the lesson to be learned? Although no concrete assurances can be given by promoters for a particular tax shelter, if a reasonable expectation of profit is present, the IRS wolf will not be able to blow the tax shelter down. •

IRS ruling procrastinator's dream

Some people are habitual early birds. You know the type, they file their tax returns a week after the forms arrive in the mail. Then there are late birds who like to live dangerously and wait until the last moment to do anything important. They wait until the eleventh hour on April 15 to mail their tax returns. This item is for a large flock of taxpayers—late birds.

This is the question: Just how far can you procrastinators go in making late payments to your IRA and Keogh accounts? Suppose you mail a payment postmarked April 15, 1986, to your IRA or Keogh account, but the payment doesn't arrive at your bank until April 17 and isn't posted until April 18. Can that payment be deducted on your 1985 tax return?

Yes, for two reasons. First, the tax law allows you to make contributions to your IRA and Keogh accounts as late as the due date for filing your tax return. The due date for filing 1985 tax returns is April 15, 1986. Therefore, to be credited with making timely contributions for the 1985 tax year to either account, your payment must be made by that date.

Second, a recent IRS letter ruling (8536085) states that an IRA or Keogh payment will be considered made by April 15 if it is received in an envelope bearing a postmark no later than that date. Regardless of when the bank receives the envelope, it is the postmark that determines whether the payment is timely. This is a procrastinator's dream. •

Irving L. Blackman is a CPA specializing in taxation and closely held businesses. A partner in the firm of Blackman, Kallick & Co., Ltd., he will consult with readers of his column. Write him at 300 South Riverside Plaza, Chicago, IL 60606, or call (312) 207-1040.

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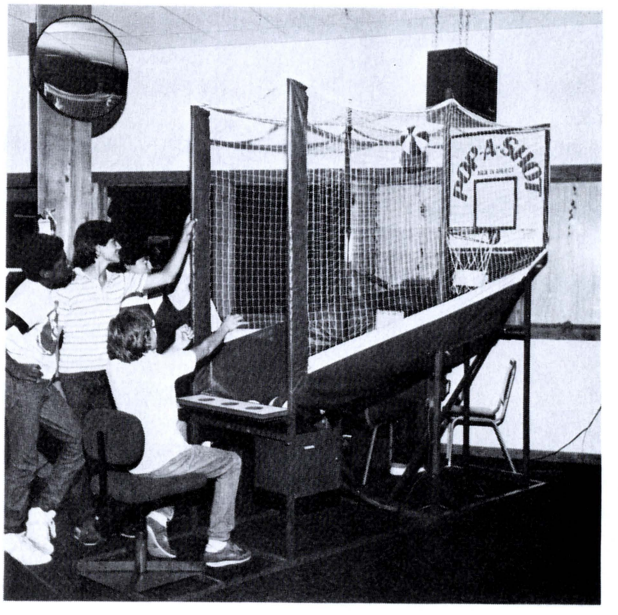
With each new *World Cup* game Tehkan will include a booklet that teaches players techniques required to play the game.

For more information, write Tehkan, Inc., Victoria Business Park, 18010 S. Adria Maru Lane, Carson, CA 90746, or call toll-free 1-800-457-6050. In California call (213) 329-5880.



Pop-A-Shot Jr. and sit-down

Pop-A-Shot has introduced two new models—a junior for children and a sit-down for adults and youths.

The original *Pop-A-Shot* basketball game is 10 feet high and 10 feet long; the new models are more compact. The junior model is eight feet high and eight feet long, the sit-down version eight feet high and 11 feet long.

Each new model features a tamper-proof gate assembly, 30-minute set-up, durable netting, coin-box settings for 25 cents or 50 cents, a coin box that can hold 1,200 quarters, and separate locks for the coin box and an optional ticket dispenser.

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For more information, write Pop-A-Shot, P.O. Box 13755, Greensboro, NC 27405, or call (919) 271-8727.

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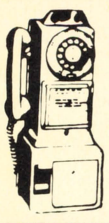

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9	Yi Ar Kung Fu	Kung Fu	4- 6	$ 695	$445	H
10	Magmax	Shoot 'em up	4- 6	$ 595	$495	H
11	Galaga III	Shoot 'em up	4- 6	$ 595	$445	V
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Opinions differ

Video-game manufacturers have begun working to reduce the flow into the U.S. of parallel imports—not counterfeits, but games legally manufactured and sold abroad and then resold to U.S. importers other than the companies assigned U.S. distribution rights by the manufacturer.

Like counterfeit games, parallel imports lessen the value of the U.S. manufacturers' games, especially when those games are dedicated and the parallel imports are sold as kits. Manufacturers see the same threat whether from a counterfeit or a parallel import.

The American Amusement Machine Association (AAMA), which represents U.S. manufacturers and distributors, recently issued a position paper on parallel imports in which it states that parallel importers—and their customers—infringe on copyrights, and in doing so incur civil and criminal liability.

A Washington, D.C., attorney who has advised parallel importers, Richard H. Stern, has written a reply to the AAMA statement in which he asserts that the legal issues of parallel imports remain unresolved and the AAMA statement should be considered only the advocacy of an opponent of parallel imports.

The AAMA statement and Stern's reply follow in their entirety.

Parallel importers face penalties

While the amusement-game industry in general and video-game manufacturers and distributors in particular have long been plagued by pirating activities of *illegal* manufacturers, a more recent problem involves the unlawful importation and distribution of video games (audio-visual works) legally manufactured but shipped into the United States in violation of exclusive distribution agreements and copyrights held by the legitimate United States importers of these games. The purpose of this article is to explain the legal remedies available under present copyright laws which would subject those trading in "parallel imports" to substantial civil and criminal penalties.

It often happens in the industry that a company in the United States obtains exclusive rights from a foreign manufacturer to distribute a particular video game or components for the games. As well as the exclusive contractual rights, the foreign manufacturer also often grants to the state-side company the exclusive protective rights as the sole claimant under the U.S. Copyright Act. Is the United States copyright holder protected by copyright laws when the legitimate foreign manufacturer sells its goods to an unauthorized third party who imports these goods into the United States? If there is an infringement, are the unauthorized importer and others in the chain of distribution (such as distributors and operators) subject to the criminal penalties of the Copyright Act? The answer to both these questions is clearly yes.

History of copyright protection of video games

Copyright protection is granted to original works under the Copyright Act of 1976, Title 17 of the United States Code as amended. Section 102 of the Copyright Act states that copyright protection is given to "motion pictures and other audiovisual works." After video games first began to appear on the market in the mid '70s, many felt that copyright protection could not be obtained to prevent unauthorized reproduction of the games. Although video games *per se* are not listed in the seven categories under section 102, as stated in the *General Guide to the Copyright Act of 1976* (published by the Copyright Office in 1977), these seven categories are "illustrative and are not meant to be limitative." Case law has established that video games qualify as "other audiovisual works," and therefore clearly are within the ambit of the Copyright Act.

Under Section 502 of the Copyright Act, one whose goods are infringed may seek several forms of relief: the copyright owner may obtain a court order enjoining the infringer from copying or importing goods in this country; the court may impound and destroy infringing articles; and the infringer may be held liable for damages and lost profits (including attorney's fees) to the wronged party. In addition to these remedies, the copyright law (Section 506) provides for criminal penalties of fines and imprisonment. A 1982 amendment to the act increased the maximum fine to $250,000 and the

on parallel imports

maximum prison sentence to 5 years (17 USC 506 (a), 18 USC 2319).

Civil penalties, although attractive in theory, as a practical matter provide little deterrence to pirates. First of all, it is very difficult for a legitimate distributor or manufacturer to locate and bring the pirate to trial, and even when this can be done, pirates have been successful in concealing their assets. While the copyright owner might get a judgment, it may be an empty one. Without criminal penalties, illegal manufacturers and distributors thus have little incentive to stop their infringing activities. For these reasons, the AAMA has vigorously pursued enforcement of criminal sanctions against convicted pirates.

The efforts of law-enforcement authorities and the AAMA have been successful in putting convicted pirates in jail. To date, the FBI has successfully conducted three sting operations, confiscated over $3 million in counterfeit games, and, most importantly, arrested importers and distributors, some of whom have been convicted and sentenced to prison. In September, 1984, the FBI confiscated approximately $1 million in counterfeit games and arrested five individuals in the Washington, D.C., area. In April, 1985, an Atlanta sting operation conducted by the FBI netted five arrests; the FBI confiscated 167 illegal machines worth an estimated $2 million. One of those arrested, Tim O'Reilly, a 23-year-old Canadian citizen and a first-year law student, was convicted of copyright infringement

(continued on page 80)

AAMA statement only advocacy

I think the "Statement by the American Amusement Manufacturers Association (AAMA) Regarding Parallel Imports" is intended to be a helpful comment on the present uncertain state of the law in this field, and therefore it should be appreciated by those in the video-game business. Unfortunately, despite its good intentions, it is not wholly dispositive of the issues, and some additional comment is therefore appropriate.

First of all, the AAMA statement is quite correct in pointing out that the federal courts now uniformly accept the principle that video games are protectable under the copyright laws. The uncertainty over the copyrightability of video games that existed several years ago has now been dispelled by many decisions of federal courts. Therefore, the intentional sale or use of counterfeit or "copy" games is copyright infringement, and it may be punished by fine or imprisonment. No sensible video-game operator will want to deal in copy games, and operators will want to assure themselves that their suppliers are not furnishing them with copy games to avoid unnecessary and possibly very harmful problems.

The situation as to parallel importation, however, is less clear than the AAMA statement makes it appear. There exist only three reported decisions; their analysis is inconclusive; and they do not address all of the important issues. It may be that the position forcefully advocated in the AAMA statement will eventually prevail in the federal courts, but in February 1986 it is still too early to tell, and the AAMA statement must therefore still be regarded as only a piece of advocacy for one viewpoint, that of the major video-game manufacturers who oppose parallel importation.

The *CBS* decision (569 F. Supp. 47 [E.D. Pa. 1983]) discussed in the AAMA statement involved a license from CBS to a foreign manufacturer to manufacture and sell CBS records in a foreign country. The clear intent was not to grant any license in the copyrighted music in the United States. A third party then bought up records at distress prices after the licensee's business failed, and tried to circumvent the original license by shipping the records into the United States, a market out of which they had been intended to be kept. Accordingly, the federal court found a copyright infringement.

In a second case, familiar perhaps to many readers of *Play Meter*, Nintendo/America sued Elcon, a firm in Detroit (564 F. Supp. 937 [E.D. Mich. 1982]). Nintendo had owned the United States copyright in *Donkey Kong* and had indirectly licensed Falcon to make and sell the video game in Japan; Falcon was not supposed to export the games to the United States market. However, Falcon sold printed circuit boards for the game to International, which shipped them to the United States and Elcon. It appeared to the court that Nintendo had never granted any license to anyone

(continued on page 82)

Parallel importers face penalties (continued from page 79)

and received the maximum prison sentence of five years. Additionally, O'Reilly was ordered to pay restitution to the copyright holder, Data East U.S.A., Inc. Tom Goss, arrested in the same sting operation as O'Reilly, was also convicted.

The most recent sting operation involving video games was concluded in January, 1986. The FBI arrested 28 individuals involved in illegal operations from fencing to selling, distributing, and operating illegal video games from New Jersey to Florida.

As the successful sting operations and convictions of video-game pirates have shown, copyright laws do indeed provide "teeth" with which to put convicted pirates in jail. The courts recently have shown an understanding of the devastation upon the video-game industry from pirates, and have been willing to impose maximum sentences where warranted. The question is, while criminal sanctions have been imposed upon pirates who have manufactured and/or distributed unauthorized copies of video games, can such criminal penalties be imposed upon parallel importers—those who purchase games or components from legitimate sources overseas, but illegally *distribute* the games here? Parallel imports do constitute infringement of the U.S. copyright, and the *purchaser*, the illegal *distributor*, as well as the importer, are subject to criminal penalties.

Importers, distributors, and buyers of parallel goods subject to fines and imprisonment

Section 602 of the Copyright Act provides that "importation into the United States, without the authority of the owner of copyright under this title, of copies or phono records of a work that have acquired outside of the United States is an infringement of the exclusive right to distribute copies or phono records under Section 106." Section 106 (3) of the copyright act provides that the copyright owner has the "*exclusive rights* to do and to authorize" distribution of copies to the public by sale, rental, lease, or lending. The Copyright Act thus makes illegal not only the importation of unauthorized copies into this country, but also the distribution of such copies. Are parallel imports "unauthorized"? After all, they have been manufactured by a legitimate manufacturer, even if overseas. Case law has held that "authorized" means authorized by the copyright holder in the United States. Unless the copyright holder in this country authorized copying or distribution *within this country, the activities are illegal. Columbia Broadcasting System, Inc. v. Scorpio Music Distributors, Inc.* (hereafter "*CBS*"). In this case, CBS, the original copyright holder, granted exclusive authorization to a Philippines corporation to manufacture and sell records exclusively within the Philippines. A U.S. importing company purchased the records in the Philippines and shipped them into the United States, where it sold the records to Scorpio Music.

In *CBS* the court also held that the "First Sale Doctrine" exception provided under Section 106 (3) of the Copyright Act did not apply to the parallel importer or distributor of parallel goods. The "First Sale Doctrine," Section 109 of the Copyright Act, provides that anyone who possesses a copy "lawfully made" may without the authority of the copyright owner dispose of that copy in whatever way he sees fit. In *CBS*, Scorpio defended the copyright charges on the basis that it had obtained copies "lawfully made" because the Philippines manufacturer had produced the copies in accordance with its agreement with Columbia Broadcasting Systems. However, the federal court held that the "First Sale Doctrine" exception *does not apply* to purchases of *imported* goods. Because the entire parallel-importing problem of video games involves goods coming into this country from outside the United States, the "First Sale Doctrine" exception would not apply to relieve copyright infringers from liability or criminal penalties.

As pointed out in the *CBS* case, not only importers but any person in the chain of distribution can be held liable for infringing activities. In *CBS*, for example, defendent Scorpio argued that it was not the proper party because it did not actually import any records from the Philippines, but rather purchased records from a trading company in the United States who had imported them. This court held that "it is well established that a suit for infringement is analagous to other tort actions, and infringers are jointly and severely liable; hence plaintiff need sue only participants as it sees fit." The federal court held that defendant Scorpio was at least "a *contributory infringer*," since it was conceded that it purchased the goods from an importer, that is, the goods were brought in from outside the United States. As this court noted, "intent is not a necessary element of infringement, and the copyright holder may proceed against any member of the chain of distribution."

Although *CBS* is the only case to date where the court discusses the application of the Copyright Act to parallel imports, the leading treatise in copyright law, "Nimmer on Copyright (1985)" supports imposing criminal sanctions on illegal distributors (Section 15.01, 1985). Nimmer supports the *CBS* holding that the buyer may be liable as a contributory infringer (Section 8.11).

The *CBS* case involved illegal importation of records, not video games. However, this is not a point of distinction since video games, as already noted, are classified as "other audio visual works" under the Copyright Act, and receive the same protection from the copyright registration as sound recordings. As applied to the video-game industry, this means an operator who purchases a parallel import is in the same position as defendant Scorpio and subject to conviction.

Conclusion

The Copyright Act provides substantial sanctions, including prison sentences, to importers, distributors, and buyers of parallel goods. This conclusion is supported both by case law and the leading authority in copyright law.

The question of parallel imports has generated

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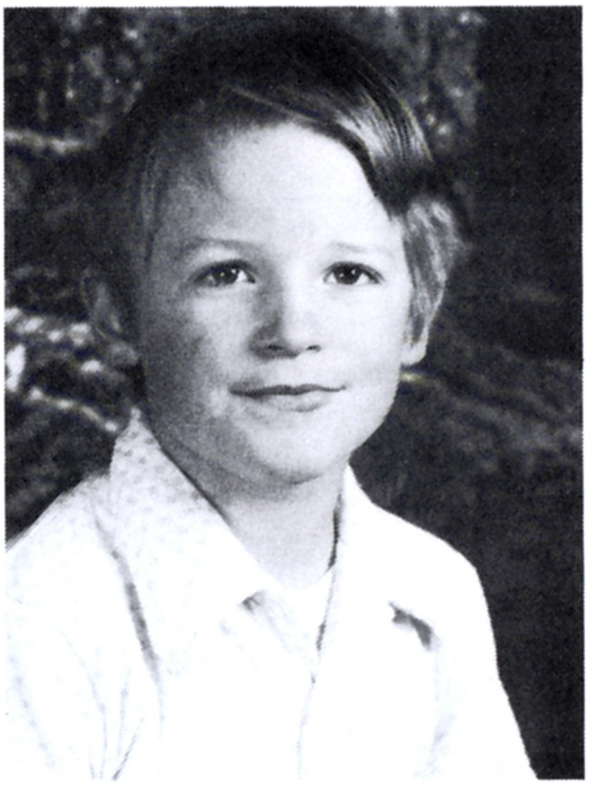

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much discussion within the industry about the availability of remedies under the Copyright Act. The AAMA hopes that this statement will be helpful in informing members of the Association of ways in which the Copyright Act can assist them in stopping the infringing activities of importers, distributors, sellers, and buyers of parallel imports of video games. •

AAMA statement only advocacy (continued from page 79)

(except Nintendo/America) under its United States copyright, and did not intend to do so. Therefore, the court ruled that Elcon had no right to sell the Falcon-made copyrighted video games in the United States.

In a third case (226 U.S.P.Q. 345 [S.D. Fla. 1985]), involving a polo-player design, a United States firm manufactured goods incorporating the copyrighted design in the Untied States and apparently sold them in the United States for export. Later someone bought the goods abroad and shipped them back into the United States. Because this fact pattern was different from that of the *CBS* and *Nintendo* cases, the court refused to apply their principle to the case before it. It therefore declined to prohibit the defendant from importing the goods and selling them in the United States, at least on the basis of the information before the court at the time.

It is thus seen that the present state of the law as to parallel importation is far from clear. In cases like *CBS*, the lower federal courts appear willing to prohibit parallel importation—although no appellate court has ever passed on the question, so that it cannot be regarded as settled. When the fact pattern deviates from that of the *CBS* case, however, copyright relief is likely to be denied. Moreover, a number of important issues have never been passed on.

For example, when the owner of a United States copyright sells a video game outright, with no special reservations as to territories, it would appear that the video game is wholly free of the copyright for all purposes. The copyright owner's sale of the copyright product exhausts the copyright monopoly. If the copyright owner later transfers the United States copyright to another person, that fact would not seem to be able to cut back on the rights customers have acquired on the basis of the original sale made in the past.

On the other hand, a sale by the former owner of a United States copyright, made only after the copyright has been transferred to an independent third party, is at least arguably in a different category. The third party to whom the United States copyright had been transferred would certainly take the position that the former copyright owner cannot confer on his customers any rights under a United States copyright that he no longer owns.

It is thus seen that the details of the history of the copyright and the nature of the transaction by which the United States operator came into possession of the printed circuit board may have a vital effect on the rights of the operator and those of the exclusive United States distributor of the video game. The AAMA statement and the *CBS* case cited in the statement simply do not address these fine points.

Another unsettled issue is whether the relation of the original copyright owner to the United States distributor makes a difference. Under trademark law, when the owner of a United States trademark is a subsidiary of the original manufacturer (the owner of the foreign trademark rights), the Customs Service will not exclude the goods from entry into the United States. Moreover, arguments have been made in the past that for a parent to divide markets with a subsidiary by allocating trademark rights in this manner violates the antitrust laws. On the other hand, under the patent laws, this type of division of territories is upheld as legal and effective. It is unsettled how the question would be decided under copyright law. This point is also left unaddressed in the AAMA statement.

Finally, the statement about contributory infringement in the AAMA statement may give a misimpression. Since the *CBS* case was decided by the federal district court, the United States Supreme Court decided the *Sony* case. The Supreme Court's decisions, of course, take precedence over those of district courts. In *Sony*, the Supreme Court ruled that the state of mind of the alleged contributory infringer was relevant, citing a Supreme Court patent decision to that effect. Specifically, for there to be contributory infringement under the copyright law, the accused person must know that the goods infringe a copyright. This is not the case, however, for direct copyright infringement, where an unknowing infringer may be held liable. Moreover, it should be noted that criminal copyright liability attaches only to persons who commit willful copyright infringement, whether directly or contributorily. Apparently, the "sting" cases described in the AAMA statement all fell into this category. On the other hand, one may well question whether any defendant can have the necessary criminal intent to infringe someone's copyrights when the whole body of law is so fragmentary and unclear.

The AAMA statement should be applauded for its effort to clarify this unsettled area of law. However, its discussion is too brief to cover all of the relevant points with the detail that they need to be understood fully, and on some points it speaks in unjustifiably certain tones, given the present unclear state of the law. Moreover, on many points no one can be certain what the courts will hold, because the precedents are too sparse to permit confident generalization or extrapolation. Therefore, I feel that at this point one can regard the AAMA statement as only a first step on a long road to clarifying this uncertain area of the law for the benefit of video-game operators. Unfortunately, at this stage each operator will have to rely on the advice of his own counsel, and perhaps at the same time on fervent prayer. •

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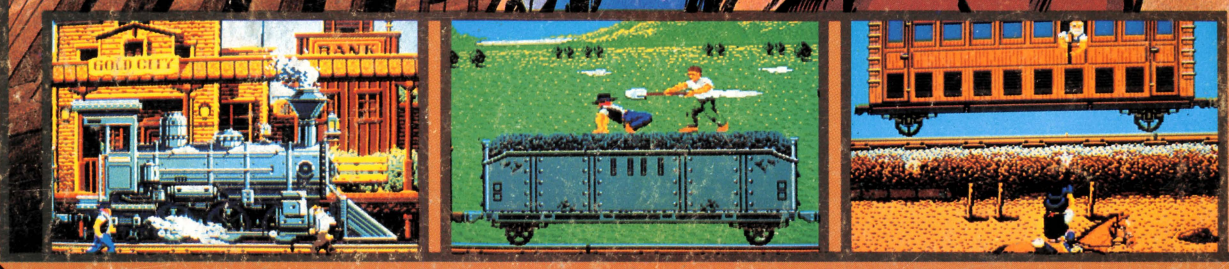

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